Public Disclosure Authorized

Public Disclosure Authorized

Final Report

Environment and Social Systems Assessment (ESSA) of Nepal School Sector Transformation Program

February 2022

CONTENTS

Summary **1**

1. Introduction **10**

1.1 Nepal's Education Sector 10

1.2 Challenges and Opportunities 10

1.3 World Bank and Asian Development Bank Contribution 13

1.4 Background and Purpose of the ESSA 13

1.5 School Sector Transformation Program 18

1.6 Implementation Arrangements for the Program 22

1.7 Environmental and Social Effects 23

2. Assessment of Environmental and Social Management Systems **32**

2.1 Review of National Legal Policy Framework 32

2.2 Management System on E&S Impacts in School-Level Education 40

2.3 Institutional Capacity of Relevant Agencies in Identifying and Managing E&S Issues 41

2.4 System Performance 42

3. Assessment of Capacity and Performance of Implementing Agencies **48**

3.1 Adequacy of the EMF and SMF for Addressing E&S Risks in the SSP 48

3.2 GRID Policies and Regulatory Regime 53

3.3 Application of GRID in the School Sector 54

3.4 Climate/Disaster-Related Issues 54

4. Assessment of Borrower Systems Relative to THE PROGRAM Principles **55**

4.1 ADB Safeguards Policy Statement 2009 60

4.2 Gaps and Challenges 65

4.3 Opportunities 66

5. Action Plan to Enhance Environmental and Social Management Capacity/Performance **66**

Appendices **69**

Appendix 1: Environmental and Social Management Principles and Attributes 69

Appendix 2: Summary of Core Principles and Attributes 71

Appendix 3: List of Documents Reviewed 73

Appendix 4: List of Persons Consulted 75

Tables, Figures, and Boxes

Tables

Table 0.1: Proposed Action and Implementation Plan 8
Table 1.1: Description of DLIs 20
Table 1.2: E& Risks Associated with Program Activities 30
Table 2.1: Transfer of Authority for School Management in 2017 33
Table 2.2: Applicable National Legislative Measures, Policy Guidelines, and Directives (Social) 34
Table 2.3: Applicable National Legislative Measures, Policy Guidelines, and Directives (Environmental) 37
Table 2.4: Key E&S Tasks, the Corresponding Activities, and Responsible Units 41
Table 3.1: Key E&S Management Tasks, Detailed Activities, and Responsibilities 49
Table 3.2: IAs' Capacity, Coordination, and Likelihood of Meeting E&S Objectives 50
Table 3.3: Status of School Reconstruction 54
Table 4.1: Applicability of Core E&S Principles to SSTP by DLIs 56
Table 4.2: Safeguard Policy Principles Triggered 60
Table 5.1: Proposed Action and Implementation Plan 67

Figures

Figure 1.1: Program's Theory of Change 19

Boxes

Box 1.1: Issue Related to Donated Land Experienced by a School in Dhanusha District 12
Box 1.2: Central-Level Agencies Supporting the Center for Education and Human Resource Development 23
Box 2.1: Summary of Provisions for GRM in Schools 47
Box 3.1: Mitigation Measures to be Applied 55
Box 5.1: Key Gaps and Challenges Requiring Immediate Actions 66

ABBREVIATIONS

ADB	Asian Development Bank
BES	Brief Environmental Study
CCFF	Climate Change Financing Framework
CEHRD	Center for Education and Human Resource Development
CIDP	Capacity and Institutional Development Plan
CLPIU	Central-Level Project Implementation Unit
CP	Core Principle
CPF	Country Partnership Framework
CwD	Children with Disabilities
DEO	District Education Office
DLI	Disbursement-Linked Indicator
DP	Development Partner
E&S	Environmental and Social
EA	Executing Agency
ECDC	Early Childhood Development Center
ECED	Early Childhood Education Development
EDCU	Education Development and Coordination Unit
EFA	Education for All
EIA	Environmental Impact Assessment
EMF	Environmental Management Framework
EMIS	Education Management Information System
EMP	Environmental Management Plan
EPA	Environmental Protection Act
EPR	Environmental Protection Rule
ERO	Education Review Office
ESF	Environmental and Social Framework
ESMF	Environmental and Social Management Framework
ESMP	Environment and Social Management Plan
ESSA	Environmental and Social Systems Assessment
ESS	Environmental and Social Standards
GBV	Gender-Based Violence
GESI	Gender Equality and Social Inclusion
GoN	Government of Nepal
GRC	Grievance Redress Committee
GRID	Green, Resilient, and Inclusive Development
GRM	Grievance Redress Mechanism
IA	Implementing Agency
ICT	Information and Communication Technology
IEE	Initial Environmental Examination
IP	Indigenous Peoples
IPDP	Indigenous People Development Plan
IPF	Investment Project Financing
IPMF	Indigenous People Management Framework
IPP	Indigenous People's Plan
IR	Involuntary Resettlement
JFP	Joint Financing Partner

KII	Key Informant Interview
LGOA	Local Government Operations Act
LG	Local Government
LMP	Labor Management Plan
MoEST	Ministry of Education, Science and Technology
MoFAGA	Ministry of Federal Affairs and General Administration
NASA	National Assessment of Student Achievement
NBC	National Building Code
NER	Net Enrolment Rate
NGO	Nongovernmental Organization
NPC	National Planning Commission
OHS	Occupational Health and Safety
PAP	Program Action Plan
PCU	Project Coordination Unit
PDO	Program Development Objective
PETC	Provincial Education Training Center
PforR	Program-for-Results
PPE	Pre-Primary Education
PTA	Parent-Teacher Association
RBL	Results-Based Lending
SAARC	South Asian Association for Regional Cooperation
SAS	School Accounting Software
SDG	Sustainable Development Goal
SEA	Sexual Exploitation and Abuse
SESP	School Education Sector Plan
SH	Sexual Harassment
SIA	Structural Integrity Assessment
SLSMC	School-Level Scholarship Management Committee
SIDA	Structural Integrity and Damage Assessment
SIP	School Improvement Plan
SMC	School Management Committee
SMF	Social Management Framework
SPS	Safeguards Policy Statement
SSDP	School Sector Development Program
SSRP	School Sector Reform Program
SSP	School Sector Program
SSTP	School Sector Transformation Program
SWAp	Sector wide Approach
UNFCCC	United Nations Climate Change Framework Convention on Climate Change
VAC	Violence against Children
VC	Vulnerable Community
VCDF	Vulnerable Community Development Framework
VCDP	Vulnerable Community Development Plan
WASH	Water, Sanitation, and Hygiene

SUMMARY

Objectives of the Environmental and Social Systems Assessment

1. The Environmental and Social Systems Assessment (ESSA) was carried out with the overall objective of comprehensively reviewing and analyzing the existing environmental and social (E&S) systems and procedures of various implementing agencies (IAs) and stakeholders involving schools; education units of local and provincial governments as well as the Ministry of Education, Science and Technology (MoEST); Center for Education and Human Resource Development (CEHRD); and the school management committees (SMCs) for managing the associated environmental and social risks. The specific objectives of the ESSA are to

(a) Review and document existing country systems, including legal and policy provisions for E&S assessment in all activities related to school-level education;

(b) Identify a range of E&S issues, gaps, and challenges in E&S compliance and management in the sector;

(c) Assess institutional roles, responsibilities, and capacity of IAs in terms of planning and implementation of E&S measures, including practices and commitment to implement E&S measures;

(d) Assess borrower's system relative to Program-for-Results (PforR) principles and attributes of the World Bank as well as the Safeguards Policy Statement (SPS) 2009 of the Asian Development Bank (ADB)and the safeguards provisions in ADB's Operations Manual for Results-Based Lending and associated Staff Instruction;

(e) Develop/improve an inbuilt E&S monitoring and disclosure system;

(f) Adopt a consultative process with the stakeholders while preparing the document; and

(g) Develop a Program Action Plan (PAP) for improving the country E&S system.

School Sector Transformation Program and PforR Scope

2. The World Bank is proposing to support the first phase of the School Education Sector Plan (SESP; 2022–2032) of the Government of Nepal (GoN) through a PforR financing instrument. The PforR is part of the sector wide approach (SWAp) whereby the GoN, World Bank, and other development partners (DPs) jointly fund the entire school sector program. The PforR links the disbursement of funds directly to the delivery of defined results and builds on increased reliance on borrower safeguard and oversight systems.

3. The Nepal School Sector Transformation Program will encompass the entire school education early childhood education and development (ECED)/pre-primary education, basic education (grades 1–8), secondary education (grades 9–12), and nonformal education benefitting over 7 million students and over 250,000 teachers and ECED facilitators. It will be implemented in all 7 provinces and over 35,000 schools located across all the 753 urban/rural municipalities of the country.

4. The Program Development Objectives (PDO) are to increase equitable access to and improve the quality and governance of school education in Nepal. The progress toward realizing the PDO is contingent on the achievement of results (outcomes) under four PDO indicators: (a) improved literacy and numeracy as measured through National Assessment for Reading and Numeracy (Grade 3) disaggregated by gender;

(b) improved net enrolment rate (NER) in Grades 9–12 (disaggregated by gender);; and (c) increased number of LGs that receive performance grants.

5. At the activities level, the Program will primarily focus on

(a) Providing quality inclusive early childhood education to improve participation and learning in ECED;

(b) Improving early grade learning by strengthening the foundational skills in reading and numeracy through the implementation of the integrated curriculum for grades 1–3, teacher training, development of teaching and learning materials, and student assessments;

(c) Building on the momentum gained under School Sector Development Program (SSDP) by continuing to support the revision and implementation of curriculum for grades 9–12;

(d) Supporting the design and implementation of in-service training for basic and secondary teachers which imparts practical skills required in the classroom;

(e) Strengthening and improving the efficiency of existing scholarship schemes at the basic level ;

(f) Supporting the construction of green and resilient classrooms to reduce the risks from climate change and natural disasters, including earthquakes;

(g) Supporting low-performing local governments (LGs) and helping them in improving equity along gender, disability, socioeconomic status, language, caste, and ethnicity dimensions in access, participation, and learning;

(h) Supporting the implementation of education management information system (EMIS) policy guidelines and strategic plans which includes improved access to student information with geographic information system (GIS) mapping, including information on climate risks (such as disaster hot spots) to improve targeting of interventions for students during times of crisis; and

(i) Supporting the establishment of the information and communication technology (ICT) data center and the development of digital teaching and learning materials which will help improve remote learning delivery and will enhance data recovery and backup systems to prevent data/information loss in the event of natural disasters.

Capacity and Performance of IAs

6. The existing government system will be used for program implementation including oversight, financial management, procurement, safeguards, monitoring and evaluation, and reporting arrangements. The IAs' capacity, interagency coordination, and the likelihood that objectives of applicable E&S systems will be met vary across different levels of the school education sector. The MoEST and the CEHRD have the required plans and policies to carry out the defined responsibilities under the applicable system particularly in terms of policy guidance and exercising oversight. Both organizations are ideally placed in terms of mandates and human resources to ensure interagency coordination but are hampered by the lack of a Federal Education Act with clearly defined roles, responsibilities, and accountability of all the three tiers of government including sectoral entities under their jurisdiction.

7. Provincial and local governments lack policies and acts and adequate human resources and budget to carry out the defined responsibilities under the applicable system for providing policy guidance

and exercising oversight. LGs have the technical human resource for identifying and managing E&S issues, but they are overburdened with multi-sectoral responsibilities and can only afford limited time toward E&S safeguards management in the education sector. Approach and procedures of Environmental Management Framework (EMF) and Social Management Framework (SMF) are not effectively applied in beneficiary institutions selected under the CEHRD's program, but physical construction under conditional grants has to comply with the legal provisions of the federal government.

8. **Environmental Protection Act and Rules (Brief Environmental Study [BES]/Initial Environmental Examination [IEE]) requirements.** LGs have not institutionalized supervision and inspection of school education system including application of safeguard measures. A safeguard focal person has not been designated by provincial and local governments.

9. At the beneficiary school level, relevant stakeholders (school administration/teachers, SMC, and the parent-teacher associations [PTAs]) are mostly unaware of safeguards requirements of the CEHRD. Though the CEHRD issued a directive for the head teacher to be designated as the safeguard focal person in model schools, this has not been effectively applied. In general, Grievance Redress Mechanism (GRM) has been established in schools for dealing with grievances which are filed through complaint boxes or reported verbally to the head teacher/teachers or GRM focal person.

Likely E&S Issues and Risks

10. Site-specific environmental issues related to school infrastructure development vary from minimal to moderate based on the type, location, and scope of infrastructures, but the cumulative impacts or issues due to the construction of school infrastructures envisaged could be wider. For instance, Nepal is ranked the 10th most vulnerable country to climate risk by the Global Climate Risk Index. Schools located in vulnerable geological areas are highly susceptible to disaster-related risks.

11. Schools' repair, maintenance, retrofitting, and even new construction require demolition of old structures and facilities. Dust, air, and noise pollution and timely disposal and management of debris will be an issue considering limited land available within the school premises. Solid and effluent waste management is another pressing issue when schools become operational. Contaminated water and poor sanitation/hygiene increase the risk of diarrhea and other water, sanitation, hygiene (WASH) related diseases disrupting students' school attendance. In general, a significant portion of the school toilets are not clean due to scarcity of water supply or lack of cleaning materials.

12. Occupational health and safety (OHS) conditions of workers involved in the construction of school infrastructure will not be a major issue considering the small scale of construction. Lack of awareness of users' committees and SMCs, overseeing construction works, on this issue increases this risk as these committees do not give adequate attention to workers' safety concerns. Further, environment-related infrastructure facilities are often excluded during school building construction. This, among others, includes important environment facilities such as (a) proper surface drainage to avoid waterlogging during the rainy season (Terai region schools), (b) ramps to access the classroom for physically challenged students, (c) provision of natural light and proper ventilation for indoor environmental quality, and (d) inadequate damp proofing. Lack of proper environmental assessment of school infrastructure projects has increased the environment risks and sustainability. Environmental compliance monitoring from the LGs (education section) is weak due to the lack of sector-specific human resource and low priority accorded to this aspect by municipal education sections and also by the school management.

12. Inadequate and/or ineffective outreach and screening of vulnerable communities and indigenous peoples (IP) to inform the formulation of Vulnerable Community Development Framework (VCDF) and Indigenous People Development Plan (IPDP) and their ineffective implementation can result in continued exclusion of large number of children, particularly from poor, marginalized, and disadvantaged communities and children with disabilities (CwD). Most commonly, children and students, particularly girls and CwD from marginalized communities and disadvantaged areas, can be prevented from accessing the services such as scholarships, books and stationeries, day meals, online or offline learning facilities, platforms, and so on that target specific groups.

13. Many children enrolled in early grades from marginalized ethnic groups often face difficulties in learning due to application of dialect/language other than their mother tongue. Teaching materials in IP dialects are scarce while application of indigenous dialect in teaching is rare. Thus, the learning outcomes of children with mother tongue other than Nepali are adversely affected and this can be a demotivating factor for continuity of school education in early grades.

14. According to the education policy, all girl students and all Dalit students in basic education (grades 1–8) are currently entitled to annual scholarships amounting to NPR 400 and NPR 500, respectively. The CwD enrolled in schools are also entitled to a separate scholarship. Despite these scholarships, children from poor, marginalized, and indigenous communities face difficulties in continuing their school education due to adverse socioeconomic conditions. For instance, child marriage, particularly of girl students, results in school drop-outs while deepening poverty has compelled children into labor to support family livelihoods. During school closure on account of COVID-19, children of IP/vulnerable community (VC) groups, mainly girls and CwD, were largely excluded from school education due to poor access to distance learning facilities. Sexual exploitation and abuse/sexual harassment (SEA/SH) and violence against children (VAC) are still prevalent in schools and communities in the form of bullying, teasing, sexual abuse, and use of digital platforms such as cyber-related exploitation and harassment, especially of girl students, CwD, and other marginalized children.

E&S Benefits

15. During the Program implementation, it is envisaged that the government's E&S management systems at all levels (federal, provincial, and local) will be further strengthened for practical and easy application. The SSTP will support the construction of green and resilient classrooms to reduce the risk of climate change and natural disasters including earthquakes. Classrooms will be built with child- and disabled-friendly designs, proper ventilation, and lighting and will incorporate green designs, such as the rainwater harvesting systems and improved insulation that will allow for energy efficiency. Appropriate locations of classrooms and proper drainage facilities will also be considered.

16. In addition, the SSTP's integration of environmental management in schools' civil work/physical facilities along with the focus on integrated curriculum with climate-related topics and teachers training will provide the following benefits to teachers and students:

- The SSTP envisages focusing on *integrating climate-related topics to raise awareness* to reduce adverse environmental footprints, promote eco-literacy, and enhance climate literacy through revision and implementation of curriculum for grades 9–12 (Results Area 1).
- *Teachers will be trained on integrated curriculum and the green school initiative* which includes climate change preparedness/emergency response of teachers and evacuation protocols.

- The *capacity of local and provincial governments will be developed* to carry out evidence-based planning, budgeting, financial management, prioritization, and reporting. This will increase efficiency and improve the implementation of conditional grants (Results Area 3).
- The Program will *support the implementation of EMIS policy guidelines and strategic plans* which includes improved access to student information with GIS mapping including information on climate risks (such as disaster hot spots) to improve the targeting of interventions for students during times of crisis (Results Area 3).

17. SSTP will give emphasis to enhancing the access and participation of financially poor children in school education, for instance, targeting indigenous children to enroll and meaningfully participate in learning. Retention of financially poor students in higher grades (9–12) has always been a key issue in school education in Nepal. SSTP envisages doing this by revising and integrating the existing basic education scholarship schemes to address the needs of marginalized and vulnerable groups. Targeting mechanisms/guidelines to select eligible students will be designed for the provision of a lump-sum grant to LGs to select students in line with the guidelines, including climate vulnerability.

18. Improved application of social safeguards such as VCDF and IPDP, continued support to existing scholarship for girl students and disadvantaged/vulnerable children (including CwD), day meal schemes, and support to the development of disability- and gender-friendly physical and educational school infrastructure will promote higher level of equity and inclusion in school education. This will improve equity and reduce disparities in school education. Besides, under the SSTP, the consolidated equity strategy developed and associated policy reforms, applied in SSDP, will be reviewed and revised and supplemented with the inclusion of equity indicators in the EMIS with the aim to further reduce disparities in terms of access/participation and learning outcomes at basic/secondary education levels.

Borrower's Systems Relative to Core Principles

19. **Core Principle (CP) # 1: Promote environmental and social sustainability in the Program design; avoid, minimize, or mitigate adverse impacts and promote informed decision-making relating to the Program's environmental and social impacts.** The EMF and SMF of the MoEST are in line with World Bank's Core Safeguard Principles and ADB's SPS (2009) requirements. The regulatory and policy frameworks for E&S safeguards are robust for avoiding, minimizing, or mitigating adverse E&S impacts and promoting informed decision-making at the federal level. This is less evident at the provincial and local levels where weak capacity has been an impediment for effective implementation of E&S safeguard requirements. The EMF and SMF applied earlier during SSRP implementation have been revised and updated during the implementation of the SSDP. Construction works in model schools, funded under the SSDP as conditional grants, have to comply with safeguard requirements in line with the EMF of the MoEST. The requirements of the National Building Code (NBC) are also followed by municipalities during school construction. Understandably, SMCs' role in monitoring compliance of environmental safeguards in physical construction work is limited. Given the lack of relevant technical skill and know-how, it will not be practical for SMCs to monitor compliance of environmental safeguards from a technical perspective.

20. **CP # 3: Protect public and worker safety against the potential risks associated with (a) construction and/or operations of facilities or other operational practices under the Program; (b) exposure to toxic chemicals, hazardous wastes, and other dangerous materials under the Program; and (c) reconstruction or rehabilitation of infrastructure located in areas prone to natural hazards.** The Environmental and Social Management Framework (ESMF) of the MoEST requires bidding documents to include Labor Management Plan (LMP) which details the type of workers likely to be deployed, provisions

for OHS, labor camp management, associated labor risks (including gender-based violence [GBV]) and relevant mitigation measures, child labor/forced labor, and a labor GRM. LMP requirements need to be incorporated into the bidding documents and contractual agreements. Besides, the GoN has issued guidelines/regulations on public and worker safety such as regulations on the use of explosives, provision of barricades at construction sites, use of personal protection gear by workers, disposal of construction debris and wastewater, and prevention of conditions conducive to disease vectors. At the federal level, legal and regulatory systems are in place for safeguarding ecologically significant areas from pollution which also encompasses the disposal of toxic chemical and hazardous wastes. The Program will use appropriate measures for the management of hazardous wastes and other wastes generated in the schools supported.

21. **CP # 5: Give due consideration to the cultural appropriateness of, and equitable access to, Program benefits, giving special attention to the rights and interests of the IP and to the needs or concerns of vulnerable groups.** In recent times, political commitment toward gender equality and social inclusion (GESI) has led to integration of GESI into the GoN system. This is evident in terms of the high priority accorded to GESI integration in the GoN's policy and regulatory regimes. Special legal/regulatory provisions are in place for safeguarding the interest/concerns of IP and vulnerable children, including CwD which is amply reflected in the ESMF of the MoEST. An Indigenous People Management Framework (IPMF) has been built into the MoEST's ESMF to (a) ensure inclusion of targeted communities in the consultation process of the Program; (b) avoid, minimize, and mitigate any potential adverse impacts on indigenous and vulnerable communities; and (c) ensure vulnerable peoples' participation in the process of planning, implementation, and monitoring of the subprogram facilities. Further, the country's safeguard system in the education sector has also been applying the VCDF, developed in July 2011, for over a decade. The VCDF has similar provisions as the IPDP in relation to VCs. The IPDP and the VCDF are in line with the broader legal and policy frameworks of the GoN as well as the World Bank (ESS7).

22. The EMF and SMF envisage carrying out an E&S screening, right at the early planning phase of the Program. The environmental screening determines the magnitude of impacts on the environment. The social screening determines the impact on indigenous and vulnerable groups particularly in terms of (a) affected students living in the impact area, including students from vulnerable/indigenous groups; (b) risks of exclusion from learning for various reasons; (c) risks related to early/child marriage, forced labor, and SEA/SH; (d) cultural and communal issues affecting the children adversely; and (e) overall impacts on health, livelihood, and social security. This informs the Program for the incorporation of special measures to promote the rights/interests of IP and the needs/concerns of vulnerable people in the school education sector. Standards need to be applied to ensure that the planned teaching-learning facilities are accessed by the children of marginalized communities and IP.

Key Gaps and Challenges Requiring Immediate Actions

23. The key gaps/challenges that require immediate actions have been segregated in terms of (a) institutional arrangement, (b) harmonization of ESMF, (c) knowledge and capacity, and (d) monitoring compliance of implementing agencies across the three levels of the federal structure.

Institutional Arrangements

- The provincial and local governments lack adequate policies/safeguards and systems for the management of environmental or social risks for subprojects. The SSDP has developed program-specific systems to support the management of E&S impacts. This presents an

opportunity to build on the existing program-specific E&S systems at the federal, provincial, and local levels and adopt good practices and lessons learned. The provincial and local governments do not have E&S safeguards management systems in place for the management of the E&S risks and impacts. There is no specific department or unit that is charged with the role of supervision and ensuring compliance and enforcement within their jurisdiction.

- A dedicated unit or focal person has not been designated at the local level. However, mere designation of a focal person is unlikely to solve the problem unless they are provided clear terms of reference (ToR) making them accountable and a line budget to fulfill their responsibility.
- An effective mechanism for coordination between federal, provincial, and local government line agencies for managing the implementation E&S safeguard measures is lacking.

Harmonization of ESMF

24. Further, the ESMF of 2021, to some extent, has been contextualized in alignment with the federal structure of governance. However, the ESMF was urgently revised in 2021 to include the COVID-19 measures and lacks detailed procedures/guidance in the context of the federal structure for E&S risk management. The roles and responsibilities of the local-level government for management and monitoring of E&S issues need to be further clarified in the ESMF. The DPs supporting the sector have their individual E&S requirements. Hence, harmonized Environmental and Social Framework (ESF) envisaged for the CEHRD will operate from the center and will fulfill the requirements of all DPs in a coherent manner.

Knowledge and Capacity

- There is a low level of awareness on E&S safeguards approaches and procedures to implement into subprojects at the local level.
- The federal government has well-developed and robust legislation, regulations, and systems to manage E&S risks. However, supervision/monitoring and enforcement at the provincial and local levels need to be strengthened to address the potential environmental challenges that might be encountered during the implementation of the SSTP. E&S performance/compliance monitoring and verification audit procedures for meeting minimum conditions related to E&S safeguards at all levels of governments are inadequate.
- The federal, provincial, and local governments lack adequate budget for E&S risk management. The Program's implementing units at the provincial and local levels do not have E&S specialists for overall supervision of E&S risks. The implementing units (at the provincial and local levels) will need to be trained to strengthen the management of potential E&S risks along with a framework for monitoring.
- Owing to a lack of resources and capacity, the GRM is yet to be fully functional and systematically managed at the provincial and local levels. The existing GRM also needs to be upgraded to address GBV and SEA/SH-related issues along with an e-mechanism for confidential reporting.

Monitoring Compliance

- Supervision/monitoring and enforcement at the provincial and local levels need to be strengthened to address the potential environmental challenges that might be encountered during the implementation of the SSTP. E&S performance/compliance monitoring and verification audit procedures for meeting minimum conditions related to E&S safeguards at all levels of governments are inadequate.
- The federal, provincial, and local governments lack adequate budget for E&S management including for monitoring safeguards measures.

25. The proposed action and implementation plan to enhance E&S management performance and capacity is presented in Table 0.1.

Table 0.1: Proposed Action and Implementation Plan

Action Description	Source	Responsibility	Timing		Completion Measurement	Comments
The existing EMF and SMF to be consolidated and harmonized as one document— ESMF, reflecting safeguard requirements from all JFPs. ESMF to be summarized in Nepali, endorsed by MoEST and made readily adaptable and usable by subnational governments.	Environmental and Social Systems	CEHRD/MoEST	Due Date	March 1, 2023	Approved and endorsed ESMF, including translation summary in Nepali. Made readily adaptable and usable by provincial and local governments	

Action Description	Source	Responsibility	Timing		Completion Measurement	Comments
Committee, with representation from planning and infrastructure unit, social development division, and education unit of the LGs, formed at LG level for E&S risk management of the Program.	Environmental and Social Systems	MoEST/CEHRD/ MoFAGA/LGs	Due Date	March 1, 2023	A committee formed. The activities of the committee and cost of E&S mitigation plans in subprojects should be covered by the budget allocated for the education activities to LGs.	No change
Enhance the existing GRM to make it more systematic and digitized, including management of SEA/SH and VAC-related grievances and develop referral mechanism with service providers.	Environmental and Social Systems	MoEST/CEHRD /LGs	Recurrent	Yearly	(a) GRM guideline strengthened and disseminated: March 1, 2023 (b) Implementation progress monitoring and reporting annually: September 30 (before JRM)	

Note: JFP = Joint financing partner; JRM = Joint review meeting; MoFAGA = Ministry of Federal Affairs and General Administration; VAC = Violence against children.

1. INTRODUCTION

1.1 Nepal's Education Sector

1. Nepal's long-term development vision envisages 'A Prosperous Nepal and Happy Nepali by 2043'. It intends achieving the Sustainable Development Goals (SDGs) by 2030 and graduating the country to a developing nation by 2026 from the current status of a least developed country. The country has adopted long-term vision for people's holistic development and social transformation focusing on building an equitable society based on social justice. Education plays a key role in achieving these objectives. Thus, ensuring access of all citizens to high-quality education is an important long-term strategy for development and social transformation. Accordingly, the National Planning Commission (NPC) has set a goal of attaining 99 percent literacy for people above 15 years and achieving a 95 percent net enrolment rate (NER) in secondary-level education as a long-term quantitative goal. The School Education Sector Plan (SESP), 2022–2032 has adopted strategies that are critical to ending children dropping out of school and exploring indigenous knowledge and skills that exist at the local level and integrating them into modern skills.[1]

2. In recent times, Nepal has made impressive gains in the education sector in terms of access, equity, and completion rates. Early childhood education development (ECED), which until a few decades ago was limited to urban areas, has now become an integral part of the national education system. According to the Educational Statistics of 2020 (Center for Education and Human Resource Development [CEHRD] 2020), more than two-thirds of the children enrolled in grade 1 (70.2 percent) have experience of ECED of one year or more. Between 2010 and 2020, gross enrolment rate at the ECED and pre-primary education (PPE) level increased from 66.2 percent to 87.6 percent, net enrolment rate (NER) at the basic level increased from 83.2 percent to 94.7 percent, and NER at the secondary level increased from 24.0 percent to 50.9 percent. Nepal has also made commendable progress along the gender dimension and has achieved gender parity in basic and secondary education.[2]

1.2 Challenges and Opportunities

3. Despite significant gains, the education sector in Nepal faces a number of challenges. Learning outcomes have remained stagnant in public schools since 2012.[3] Inequalities in education inputs and learning outcomes continue to prevail and vary by geographic area, gender, and ethnic groups. The performance of students from disadvantaged households is invariably lower than those from advantaged households by caste/ethnicity. Education inputs such as classrooms; learning materials; water, sanitation, and hygiene (WASH) facilities; and teachers are also unequally distributed. Learning levels have been adversely affected by limited teacher capacity and inadequate needs-based continuous professional development for teachers.[4] Teachers' pedagogical practices have been slow in adopting new practices of teaching-learning. There is an acute need for improving pedagogical practices to make it more children centered, gender friendly, and inclusive especially for vulnerable and excluded children including children with disabilities (CwD).

[1] MoEST (Ministry of Education, Science and Technology). 2021. *School Education Sector Plan, 2022–2032*. Kathmandu, Nepal.
[2] Ibid.
[3] MoEST. 2021. *Nepal Education Sector Analysis*. Kathmandu, Nepal.
[4] Concept Note on a Proposed Credit in the Amount of US$100 million to Nepal for School Sector Transformation Program (P177647), World Bank, November 18, 2021.

4. The shift to the federal system of governance has necessitated increased investments in capacity development at the local level. Under the federal structure, local governments (LGs) are now primarily responsible for managing school education. However, formal mechanisms for communication and coordination among various government entities under the new arrangement are yet to be established. The capacity of LGs to carry out their education management mandate also varies greatly, and there is a general lack of capacity in evidence-based planning, budgeting, financial management, and prioritization. While access has improved, learning levels remain low and are projected to decline further as a result of COVID-19 and climate-induced disasters-related school closures. COVID-19 has also brought to light the vulnerabilities of the education system, especially for providing remote learning and support.[5]

5. Furthermore, Nepal's SESP has listed out a number of challenges and opportunities in the school education sector. Sectoral challenges and opportunities have been summarized as follows:

Challenges/Issues

6. **Ensuring easy access to education and participation in school for all.** Many children of school-going age, particularly disadvantaged, marginalized, and with disabilities, do not have easy access to and participation in school education. Disparities in school distribution and poverty are cited as the major impediments.

7. **Enhancing quality and relevance of school education.** In the last decade, school education has witnessed a lack of students' improvement in learning achievements. This is largely due to (a) ineffective teachers' development and preparations in line with current needs; (b) gaps in teacher support systems; (c) inadequate number of teachers; (d) weak links between assessment and learning process; (e) lack of adequate capacity to improve the curriculum and learning activities required to integrate soft/noncognitive skills in school education right from early level to secondary level and link learning with daily life; and (f) inadequate access to and ineffective application of technology, including information and communication technology (ICT).

8. **Eliminating different types of disparities in school education.** Disparities (based on gender, province/region, sociocultural context, caste/ethnicity, ability, mother tongue, and economic condition) persist in the school education sector. Many schools have not been able to create inclusive and equitable learning environment as they are not fully free of fear, violence, and discrimination.

9. **Making all schools safe and child inclusive, gender- and environment friendly, and disaster resilient.** Nepal is ranked as the fourth most vulnerable country to climate risks by the Global Climate Risk Index and the third most vulnerable to earthquake and is at '"high risk' in terms of exposure to hazards and conflicts. Occurrence of natural disasters is increasing due to population growth, haphazard infrastructure development, and the effects of climate change. A high number of schools lack adequate physical and educational environments required for user-friendly and resilient schools, making them vulnerable to disasters, crises, and epidemics. They also lack appropriate provision of WASH facilities while physical structures and learning environments are not disability and gender friendly.

10. **Ensuring effective and accountable governance and management systems in school education.** Though attempts have been made to clarify the roles of the three tiers of governments, it will likely take several more years to work as intended. The lack of clear roles has created a vacuum in decision-making, which induces some actors to decide for others, resulting in confusion and mistrust. There is currently a

[5] MoEST. 2022. *School Education Sector Plan, 2022–2032*. Kathmandu, Nepal.

lack of clarity in terms of a formal mechanism to facilitate coordination and communication across all tiers and entities of government.

11. Thus, there is much room for improvement in coordination, collaboration, and accountability across the federal structure of governance. This is further aggravated by the lack of (a) priority accorded to education sector by provincial and local governments in terms of allocation of budgets and programs, (b) adequate human resources and capacities of LGs for the formulation and implementation of local-level educational plans, and (c) efficient system that is accountable to students' learning.

12. **Securing title deeds of land donated to schools** is another critical issue faced by schools in Nepal. Many schools in Nepal are situated in land provided by philanthropic local donors many years ago, some dating back to even four decades or more. In many cases, the premises where the school buildings are located have been transferred and land title deeds have been acquired by the school. However, other lands adjacent to the school premises or located some distance away are yet to be transferred and still remain in the names of the donors. Given that many years have transpired and the actual donors have already passed away in many cases, the donors' family members are reluctant to transfer the land to the school as the price of these lands has appreciated significantly (Box 1.1).

Box 1.1: Issue Related to Donated Land Experienced by a School in Dhanusha District

For instance, a model school located in Dhanusha District was donated about 32 bighas[a] of land. The 2 bighas of land encompassing the school premises have been registered in the school's name. In the case of the remaining 30 bighas of land, an understanding has been reached with the donor's family to share the land use equally. The school has built fishponds and planted trees in its share of land, which provides an annual return of about NPR 3 million that is used for hiring additional teachers and providing scholarship to needy students and for school development. In the absence of concrete documentation of the donation, the school authorities do not know when the land will be registered in the school's name. This issue was also prevalent in another school in the district and in the non-model school visited in Surkhet District.

Source: Key informant interview (KII).
Note: a. 1 bigha = 0.619 acres (72,900 sq. ft.).

13. **Releasing teachers' salary at the beginning of the quarter rather than after the end of the quarter.** One of the major grievances raised by teachers who interacted with the Environmental and Social Systems Assessment (ESSA) team was that they do not receive their salary monthly but have to wait for at least three to four months to receive three months of salary in one go. Release of three months of salary by Local Government's at the beginning of the quarter could facilitate timely provision of monthly salary to teachers by the LGs.

Opportunities

14. Overall, **education programs implemented in the last two decades have created a supportive environment** for the development of school education sector. The structures, frameworks, guidelines, and capacities developed by various programs are the foundation that can be built upon in the coming years.

15. The **constitutional, legal, and policy bases** are in place for compulsory and free basic education and free secondary education.

16. There is **political consensus for increasing the government's investment** in the education sector. So, there is scope for further expanding the investment in the school education sector by the three tiers of government.

17. There exist opportunities for **establishing appropriate mechanisms for collaboration and coordination between the three tiers of governments** with LGs taking responsibility for developing school education and school governance and management.

18. **Motivating teachers by providing them with need-based training and monthly release of their salary.** Given that teaching-learning experience has remained stagnant even with almost 98 percent of trained schoolteachers, a blanket approach to teachers' training has proven to be grossly ineffective. Thus, there is an opportunity to transform teachers' training program to a more need-based approach using ICT and modern pedagogy.

19. **Continuity in the commitment and support from multilateral and bilateral development partners.** Support is being mobilized between the government and development partners (DPs) for school education support programs. Besides, there are multilateral and bilateral collaboration, support, and commitments to help Nepal achieve the SDGs.

1.3 World Bank and Asian Development Bank Contribution

20. The World Bank and the Asian Development Bank (ADB) have, for long, been dedicated partners in the development of the education sector of Nepal. In the past two decades, the World Bank and the ADB have provided continuous support to the school sector programs of the Government of Nepal (GoN). These include (a) Education for All (EFA, 2004–2009); (b) School Sector Reform Program (SSRP, 2009–2016); and (c) School Sector Development Program (SSDP, 2017–2021) through a sector wide approach (SWAp). In addition to the funding support, the World Bank and the ADB add value to Nepal's education program by bringing in global expertise, learning, and good practices from programs implemented worldwide. In the coming days, the World Bank aims to address the challenges in school education sector by supporting the first five years of the SESP through the School Sector Transformation Program (SSTP) under the results-based Program-for-Results (PforR) financing instrument. Likewise, the ADB will support the SESP's first five years of SWAp through a results-based lending (RBL) program.

1.4 Background and Purpose of the ESSA

21. The PforR lending instrument, to be applied for the implementation of the SSTP, emphasizes the use of existing country program systems for safeguards, procurement, and financial management. To comprehend the suitability of the PforR investment framework, it is necessary to conduct a thorough assessment of the country's environmental and social (E&S) capacity to support the proposed investment. This ESSA examines the federal, provincial, and local governments' existing E&S management systems (legal, regulatory, and institutional framework) guiding the SSTP; defines measures to strengthen the system; and integrates these measures into the overall School Sector Transformation Program. The ESSA is also undertaken to assess consistency with six Core Principles (CPs) outlined in the World Bank's Policy for PforR[6] Financing for effective management of program risks and promote sustainable development, the ADB's Safeguards Policy Statement (SPS, 2009), and the ADB's Operations Manual for Results-Based Lending and associated Staff Instruction on Business Processes for Results-Based Lending. Program Action

[6] PforR is equivalent to the ADB's RBL modality.

Plans (PAPs), specific to safeguards, will be developed to address any gaps for the effective management of program risks and promote sustainable development.

ESSA Objectives

22. The ESSA was carried out with the overall objective of comprehensively reviewing and analyzing the existing environmental and social systems and procedures of various implementing agencies (IAs) and stakeholders involving schools, education units of local and provincial governments as well as the Ministry of Education, Science and Technology (MoEST), CEHRD, and the school management committees (SMCs) for managing the associated E&S risks. The specific objectives of the ESSA are to

(a) Review and document existing country systems, including legal and policy provisions for E&S assessment in all activities related to school-level education;

(b) Identify a range of E&S issues, gaps, and challenges in E&S compliance and management in the sector;

(c) Assess institutional roles, responsibilities, and capacity of implementing agencies in terms of planning and implementation of E&S measures, including practices and commitment to implement E&S measures;

(d) Assess borrower's system relative to PforR principles and attributes of the World Bank as well as the ADB's SPS 2009 and the safeguards provisions in the ADB's Operations Manual for RBL and associated Staff Instruction;

(e) Develop/improve an inbuilt E&S monitoring and disclosure system;

(f) Adopt a consultative process with the stakeholders while preparing the document; and

(g) Develop PAP for improving country E&S system.

Scope of the ESSA

23. At the outset, a screening checklist was used to identify likely E&S safeguards impacts. This included likely programmatic risks (factors that may impede successful program management and sustainability), institutional risks (institutional complexity and capacity with regard to E&S safeguards impact/risk assessment, planning, implementation and management), and contextual risks (E&S conditions in schools that might influence the performance of the SSTP).

24. From the screening checklist, the principles of the ADB SPS (2009) that have been triggered were identified, and the scope of the ESSA (including level of assessment and resource requirements to address the issues) was determined and agreed with the ADB's Safeguards Division. During the assessment, reference was made to the World Bank guidance for undertaking social and environmental assessments as set out in the World Bank Policy: PforR Financing (Policy), the Bank Directive: PforR Financing (Directive), the Bank Guidance: PforR Financing for Environmental and Social Systems Assessment and the ADB's Operations Manual and Staff Instruction for RBL. Reference was also made to the extensive experience that has been achieved in implementing the school-level educational services.

25. The ESSA report is presented in five parts: (a) program description—description of expected program and E&S safeguards effects (including benefits, adverse impacts, and risks), (b) assessment of borrower's E&S management systems relevant to the Program (including description of the applicable borrower systems), (c) assessment of borrower practices and performance record, (d) assessment of the

borrower systems against CPs and planning elements and the ADB's Safeguard Policy Principles, and (e) recommendations and actions—inputs to the PAP and implementation support plan.

Study Approach and Methodology

26. The ESSA adopted seven coherent steps to accomplish its tasks systematically.

(a) **Scoping the SSTP activities, anticipated risks, and impacts.** This task examined whether and how E&S considerations have been considered in the program design and the borrower's experience in handling E&S aspects of similar activities in the past or in ongoing projects.

(b) **Assessment of E&S management systems.** A system assessment, looking at the overall country system in managing social and environmental impacts specifically related to school-level educational (grades 1–12) services, was conducted. On the environmental side, the assessment, broadly, covered the institutional responsibilities—including the division of responsibilities among different levels of government—for implementing environmental management including responsibilities for carrying out environment analysis; internal review and environmental clearance procedures such as document approvals; consultation processes; information disclosure; grievance redress mechanisms (GRMs); supervision and oversight, monitoring and evaluation, and so on; and the relevant national legal and regulatory framework and procedures applicable to the program. On the social side, the assessment covered institutional responsibilities for implementing social management including the roles and responsibilities for undertaking social assessment or social analysis relating to SSTP stakeholder involvement in the planning and implementation of the SSTP; communications and information disclosure strategies; GRMs; oversight and monitoring including indicators; arrangements relating to special provisions for Indigenous Peoples (IP); gender and social inclusion measures to assist vulnerable groups,[7] mainly girls, Dalits, and CwD in attaining school-level education; arrangements for avoiding or otherwise managing social conflict or other social risks; and the relevant legal and regulatory framework and procedures applicable to the Program. The assessment specifically covered the following aspects:

- *Review of national legal policy framework related to the management of environmental and social impacts in school-level education.* Review of relevant environmental and social laws, regulations, policies, and guidelines was done to assess them relevant to the principles that are laid out in the World Bank Policy and the ADB SPS (2009) and to identify any conflicts, gaps, and differences.
- *Review of the management system on E&S impacts in the school-level education.* The review focused on both organizational and procedural considerations that are relevant to E&S management, including organizational setup, institutional mandate, and responsibilities to address E&S issues and challenges while delivering project-level services. This also included staffing, budgeting, and availability of implementation resources and so on. It covered all levels, including national ministerial and

[7] According to the Vulnerable Community Development Framework (VCDF) developed in 2011 by the School Sector Program (SSP), all Dalit children, children with physical disabilities, girls, domestic child labor, street children, conflict-affected children, children with HIV/AIDS, and endangered and highly marginalized IP as recognized by Nepal Federation of Indigenous Nationalities (NEFIN) and ethnic group would be defined as vulnerable communities (VCs).

departmental levels, as well as provincial and local levels, and also identified the constraints and inefficiencies to be addressed and improved.

- *Review of the institutional capacity with various relevant agencies within the country system in identifying and managing E&S issues.* This included the review of the borrower's experience as well as other considerations necessary to identify the roles and responsibilities assigned to the different IAs—directorates/units/teams at the MoEST, CEHRD, provincial/local governments, and schools. Capacity and performance assessments were done in coordination with these structures.
- *Review of the system performance.* The ESSA examined the policy, regulatory, and operational level. At the regulatory level, the review covered the performance of the regulatory functions of various relevant agencies, including its review and clearance/permit procedures and functioning. At the operational level, it reviewed the performance of safeguards planning and implementation at the three levels of the federal structure for screening and preparation of safeguards documents (Environment and Social Management Plans [ESMPs]), Brief Environmental Study [BES], Initial Environmental Examination [IEE], VCDF, Vulnerable Community Development Plan [VCDP], and so on), development and implementation of social and environmental mitigation measures in compliance with the relevant legal framework in the country, school-level educational services to the children especially girls and CwD from indigenous and vulnerable communities, stakeholder consultations, GRM, and monitoring.

The study also reviewed the adequacy and implementation status of the CEHRD/MoEST environmental management framework (EMF) and social management framework (SMF) being used for addressing E&S risk in the school sector program. The review also identified good E&S practices as well as gaps requiring improvement. The review examined issues related to civil works/infrastructure. Special attention was given to assess (i) how the Green, Resilient, and Inclusive Development (GRID) agenda had been promoted/supported through policy/regulatory regimes and (ii) how the GRID agenda was applied to safeguard children's right to education during climate-induced disasters, natural disasters, and pandemics and to ensure that the poor and vulnerable particularly benefited from program interventions. It reviewed how climate/disaster-related issues have been addressed through (i) adaptation measures, such as constructing or retrofitting classrooms in preparedness for future disasters, increasing climate awareness among students and teachers by incorporating these issues in the national curriculum, and facilitating learning mechanisms that minimize teaching interruptions during disasters and (ii) mitigation interventions, such as adopting green design features when refurbishing physical infrastructure.

(c) **Assessment of capacity and performance of implementing agencies.** The capacity of the MoEST and CEHRD as well as provincial/local governments, SMCs, and schools to effectively manage the E&S risk for the implementation of the SSTP within the existing system as defined in various laws, regulations, procedures, and implementing guidelines was also assessed. This primarily included the assessment of

- The adequacy of IA and division of responsibility and the likelihood that objectives of the applicable environmental and social management systems will be met;

- The adequacy of the IA's capacity (staff, budget, availability of implementation resources, training, and so on) to carry out defined responsibilities under the applicable borrower system; and
- The effectiveness of interagency coordination arrangements where the IA may have to coordinate with multiple agencies or multiple jurisdictions are involved.

The system assessment considered a broad range of aspects related to the management of social and environmental factors. The performance assessment was used to evaluate the program agency or agencies, based on the CPs and Key Elements and the ADB's SPS (2009) (please refer to Appendix 1 and

Appendix 2, respectively).

(d) **Assessment of borrower systems relative to Program principles.** This examined the extent to which the borrower's applicable systems were coherent with the CPs and attributes in potential E&S effects in a manner that is consistent with the World Bank Policy and Directive and sufficient for the management of social and environmental effects associated with the Program and the ADB safeguards requirements as reflected in the ADB's Operations Manual for RBL and the ADB's SPS 2009. The IA's willingness and capacity to undertake measures to improve E&S system performance in key areas were also assessed.

(e) **An action plan to enhance E&S management capacity and performance.** Based on the assessment results, necessary measures to strengthen institutional capacity of IAs and improve their system performance within their own defined procedures to meet all requirements in the proposed Program have been proposed. This was done in consultation with and by working together with the World Bank, ADB, and borrower to agree on an E&S action plan (hereafter referred to as the action plan). The action plan identified measures to strengthen organizational performance and incorporated specific mitigation measures to ensure consistency with CPs and key attributes incorporated into the World Bank Policy and Directive.

(f) **Performance monitoring and implementation support.** A methodology for performance to be monitored against a set of quantitative or qualitative indicators was devised for the Program. This included institutional responsibilities and indicators for completion of actions and established whether recommended actions should be undertaken before program implementation or whether they are intended as capacity-strengthening measures that are to be introduced during Program implementation.

(g) **Disclosure and consultation on ESSA report.** A consultation event with key stakeholders on the draft ESSA report was organized. The draft ESSA report was disclosed and made available to key stakeholders before the consultation event. All issues raised in formal consultations as well as comments received following public disclosure were properly documented in a consultation matrix along with other related information such as date, location, attendance, issues raised, and response provided. Based on the comments received, the ESSA was further refined and the updated ESSA report was redisclosed.

Methods and Tools

27. A mixed methodological approach was adopted to deliver this assessment, balancing primary and secondary data collection methods to assimilate qualitative and quantitative data to answer the key assessment questions. Factual examination relating to various assessment domains was based on both primary and secondary data sources.

28. While the assessment mainly relied on the sectoral documents/reports for quantitative information, qualitative information was mainly derived from primary information/data sources—consultation meetings/discussions with key stakeholders using tools such as KII and single/group interactions at federal, provincial, and local levels. Field visits were made to Madesh Province, Karnali Province, and Kavre District of Bagmati Province for interactions with provincial and local stakeholders. Five schools, three municipalities, and education-related offices in two provinces were covered during these field visits.

29. The study adopted the key assessment domains identified in the ToR and supplemented them by more specific questions/issues to be explored. Comprehensive checklists and semi-structured questionnaires were developed to extract the data/information from primary and secondary sources. To a certain extent, testing and fine-tuning of assessment tools was carried out by the team in the initial phase of primary information gathering.

30. A debrief presentation of preliminary findings was made to the World Bank and ADB officials for feedbacks and comments. Further, the key gaps/challenges requiring immediate actions and the proposed actions to enhance E&S management performance and capacity, derived from the ESSA, were presented and put up for discussion to the MoEST, CEHRD, World Bank, and ADB officials and other DPs for further refinement.

Desk Review/Secondary Information

31. Other than the opinion of key stakeholders including IAs, the assessment places considerable emphasis on the analysis of all relevant laws, policies, and guidelines and other published/unpublished relevant study reports and articles available in the IAs, World Bank, and ADB. A list of documents reviewed is available in Appendix 3.

1.5 School Sector Transformation Program

32. The World Bank is proposing to support the first phase of the GoN's SESP (2022–2032) through a PforR financing instrument. The PforR is part of the SWAp whereby the GoN, World Bank, and other DPs jointly fund the entire school sector program. The PforR links the disbursement of funds directly to the delivery of defined results and builds on increased reliance on borrower safeguard and oversight systems. The upcoming SSTP, hereafter also referred to as the Program, is envisaged to be implemented for four years with expected approval and closure dates to be December 15, 2022, and December 15, 2026, respectively.

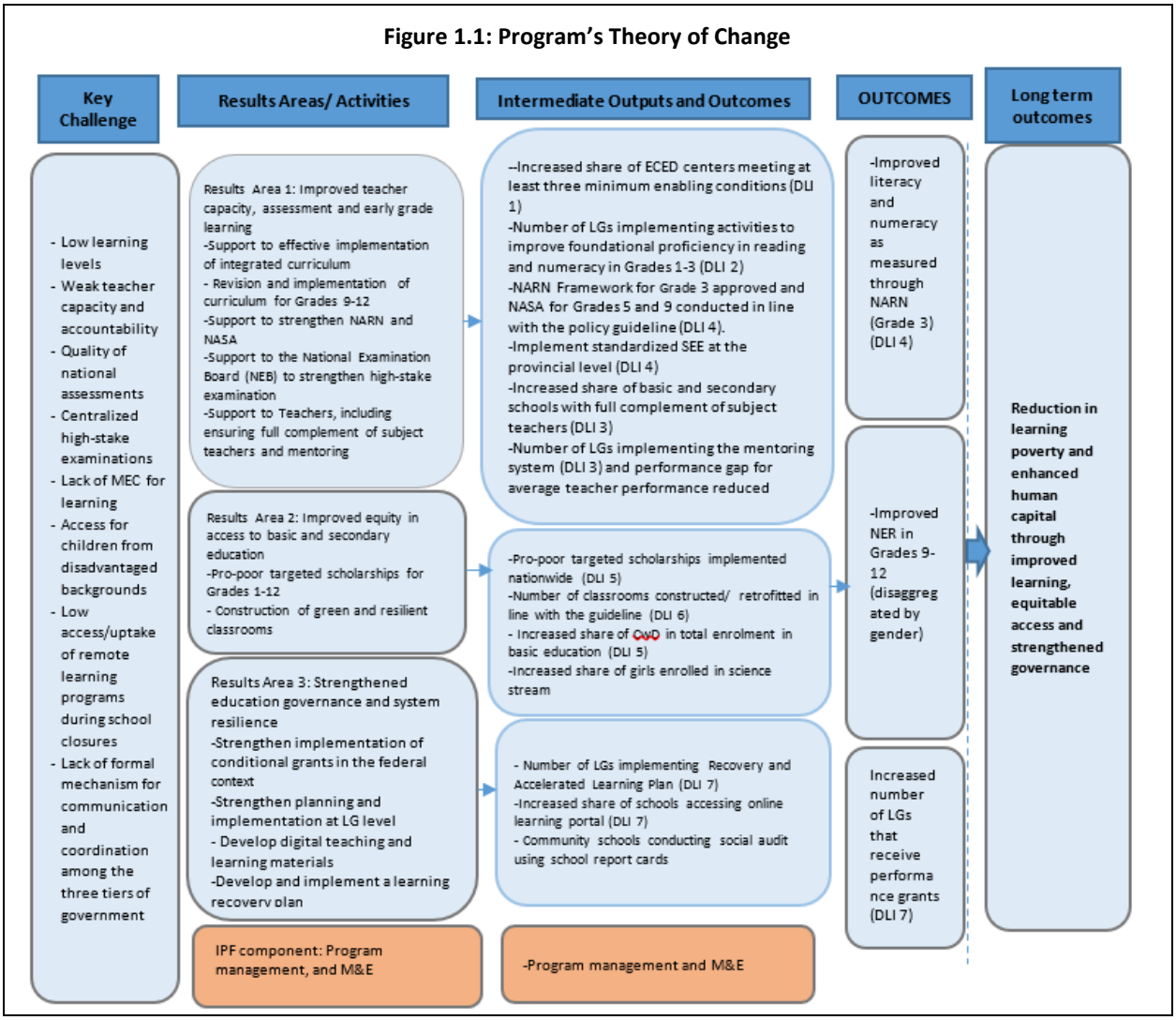
33. The Program will encompass the entire school education ECED/PPE, basic education (grades 1–8), secondary education (grades 9–12), and nonformal education benefitting over 7 million students and over 250,000 teachers and ECED facilitators. It will be implemented in all 7 provinces and over 35,000 schools located across all the 753 urban/rural municipalities of the country. The World Bank operation is clustered around three results areas under the PforR component and a separate Investment Project Financing (IPF) instrument for Program management, monitoring, and evaluation support. The three result areas are (a) Improved teacher capacity and student learning outcomes, (b) Improved equity in access to basic and secondary education, and (c) Strengthened education governance and system resilience. It aims to expand equitable access to quality education to all children/students, primarily focusing on disadvantaged groups, mainly CwD and girls who are traditionally excluded from the mainstream education. It is also designed to provide targeted interventions to socially and economically deprived children/students to ensure that the minimum enabling conditions required for learning are met at basic levels. These interventions include various education inputs and facilities such as pro-poor scholarships, classrooms, learning materials, WASH facilities, adequate teachers including female teachers, multilingual teaching, and so on.

Objectives and Key Results

34. The Program Development Objective (PDO) is to increase equitable access to and improve the quality of school education in Nepal. The progress toward realizing the PDO is contingent on the

achievement of results (outcomes) under four PDO indicators: (a) improved net enrollment rate (NER) in Grades 9–12 (disaggregated by gender), (b) increased share of Grade 5 students achieving grade-level proficiency in language (disaggregated by gender), (c) improved teaching practices by classroom teachers in Grades 1–5 in selected LGs as measured through classroom observation, and (d) improved share of LGs that achieve key performance indicators. The links between the challenges, activities, and expected results/outcomes are depicted in the graphical presentation of the Program's Theory of Change (Figure 1.1).

Figure 1.1: Program's Theory of Change



Source: World Bank. 2022. *Nepal School Sector Transformation Program (P177647).* Kathmandu, Nepal. (Decision Review version of the Proposed IDA Credit in the Amount of US$120 million and Global Partnership for Education Grant of US$ 19.7 million to Nepal for School Sector Transformation Program (P177647), World Bank, October 18, 2022).

Proposed Disbursement-Linked Indicators

35. The Program has selected seven Disbursement-Linked Indicators (DLIs) which are significant for the achievement of its objectives. The DLIs primarily comprise a subset of the SESP interventions, outputs, and outcomes. The summary of the DLIs is presented in Table 1.1.

Table 1.1: Description of DLIs

DLI	Description	Amount
Result Area 1: Improved teacher capacity, assessments and early grade learning		**IDA Credit: US$46 million; GPE Grant: US$ 19.7 million**
DLI 1: Ensuring minimum enabling conditions (MEC) in ECED centers	This sub-results area will focus on ensuring the minimum enabling conditions in the ECED centers, including (a) qualified ECED teacher (with secondary education and 90 hours of practical training); (b) child friendly tap (for easy access to drinking water); (c) toilet (with soap and water); (d) child friendly seating arrangement (preventing children from dirt and cold); and (e) six learning areas	
DLI 2: Strengthening implementation of grades 1-3 curriculum)	This sub-results area will focus on strengthening the foundational skills in reading and numeracy through the implementation of the integrated curriculum for grades 1–3, teacher training, development of teaching and learning materials, and student assessments. The integrated curriculum has been rolled out nationally, and it involves interconnecting subjects with teaching based on a common theme.	
DLI 3 Strengthened support to teachers	Under this sub-results area, support will be provided through: (i) developing continuous teacher support system at the local level; (ii) updating teacher professional development framework; (iii) developing and implementing the standard operating procedures for teacher mentoring system; (iv) training teachers on using ICT, promoting green and clean schools, implementing safe school policy and whole school approach for resilience, emergency action plan implementation and monitoring; and (v) providing Conditional Grants to LGs for recruitment, deployment and training of additional teachers at the upper basic and secondary levels. The teacher professional development (TPD) framework will be updated and standard operating procedures (SOP) for implementation of teacher mentoring system at the LG level will be developed, approved, and implemented. Preparation of the SOP will involve the translation and contextualization of the TEACH tool (or a comparable observation tool), the development of modules for training of mentors, and digitization of the TEACH tool, including a dashboard. The tool will be aligned to the TPD framework. Data collected will be used to help government identify the skills needs of the teachers and to target TPD opportunities to address the specific needs through the mentoring system, as well as through other in-service training opportunities. Teachers will be also trained on implementing gender-responsive education policies.	
DLI 4: Improved assessment and examination system	This sub-results area will build on the momentum gained under the SSDP and continue to support the revision and implementation of curriculum for grades 9–12. Specific focus will be placed on integrating climate-related topics to raise awareness to reduce adverse environmental footprints, promote eco-literacy, and enhance climate literacy. Under this sub-results area, the capacity of the Education Review Office (ERO) to conduct standardized national assessment for reading and numeracy (NARN) for Grade 3 and National Assessment for Student Achievement (NASA) at grades 5, 8, and 10 ; analyze assessment data; and report actionable findings will be further developed. Under the SSDP, policy guidelines for the implementation of National Assessment of Student Achievement (NASA) for grades 5 and 8 involving the production of proficiency descriptors and proficiency levels aligned with the SDG 4.1 indicators and guided by the Global Proficiency Framework are being developed. This sub-results area will further support the ERO to strengthen NASA and help implement the guidelines to ensure reporting on SDG 4.1 indicators. Further, support will be provided to the National Examination Board, responsible for conducting annual board examinations at the end of grade 10 to conduct these standardized examinations at the provincial level.	

DLI	Description	Amount
Result Area 2: Improved equity in access to basic and secondary education		**US$39 million**
DLI 5: Improved equity and inclusion (Pro-poor-targeted scholarships)	One of the key outputs under the SESP is to establish a scholarship system to support financially poor children across grade levels to enroll, retain, and meaningfully participate in learning. Under the SSDP, a pro-poor-targeted scholarship scheme was designed and implemented in grades 9–12, and a pro-science scholarship scheme was implemented in grades 11–12 nationwide. This sub-results area will add to that activity and strengthen and improve the efficiency of existing scholarship schemes at the basic level in a phased manner starting with Grades 6-8. Existing basic education scholarship schemes would be revised and integrated to make them needs based. The revised scholarship scheme will include an implementation arrangement which empowers LGs to implement the scheme, as well as a comprehensive and practical targeting mechanism. This sub-results area will support low-performing LGs and help them in improving equity along gender, disability, socioeconomic status, language, caste, and ethnicity dimensions in access, participation, and learning.	
DLI 6: Construction of green and resilient classrooms	Construction of green and resilient classrooms will be supported under the SSTP to reduce the risks from climate change and natural disasters, including earthquakes. Post the 2015 earthquakes, the World Bank supported the GoN to conduct two baseline censuses in the earthquake-affected districts: (a) Structural Integrity and Damage Assessment (SIDA) of all educational institutions and (b) household census to assess the damage. Based on experience, Structural Integrity Assessment (SIA) has recently been expanded to cover all the public buildings nationwide, including community schools. The construction of classrooms under the SSTP will be informed by SIA. In addition, the SSTP will support the 'green school' program to promote green, clean, and safe schools. It will incorporate green designs, such as rainwater harvesting systems, improved insulation that allows for energy efficiency as well as use by communities as evacuation centers during climate-related disasters.	
Result Area 3: Strengthened education governance and system resilience		**US$29 million**
DLI 7: Strengthened governance system and resilience	Under the federal structure, most of the school education budget allocated to LGs by the federal government is in the form of conditional grants. Under this results area, the criteria for conditional grants would be reviewed and revised. A performance-based grant element will be introduced under the conditional grants to incentivize LGs to achieve results including, development and implementation of local level education sector plan, timely reporting on physical and financial progress, and increased local budget allocation to the education sector. LGs will be incentivized based on reasonable targets achieved against their respective baseline. A detailed reporting on the progress against the indicators will be made publicly available on the Center for Education and Human Resource Development (CEHRD) website to promote transparency. Cross learning among the LGs will be promoted under this results area. The Program will support for capacity building of Provincial and local governments for monitoring, documentation, and reporting of the SESP activities that will be implemented at their levels.[8] An information flow, coordination, and reporting mechanism between federal, province and local levels will be supported in line with the SESP. The proposed Program will work on strengthening the capacity of local governments to adapt the policy and planning frameworks that have been established at the national level. These need to be contextualized into local level mechanisms that allow gender responsive planning, implementation and monitoring, and enforcement of gender policies to ensure that schools have gender-sensitive facilities and that they are free from gender-based violence and harassment.	

[8] The Province Governments will be responsible for monitoring, coordination and reporting the Provincial level SESP activities including at the LGs.

DLI	Description	Amount
IPF: Program management, monitoring, and evaluation		**US$6 million**
IPF Component	IPF component will include provision and utilization of services, skills, knowledge, and technology in the form of short-term and long-term advisors and consultants, consulting firms, and non-consulting agencies to support and strengthen the capacity of the SSTP implementation. This component will (a) support the capacity development of LGs in specific areas, including teacher professional development and ICT; (b) support the MoEST/CEHRD in strengthening quality and timeliness of reporting from LGs, providing fiduciary and safeguard management, undertaking assessments and evaluation studies, and commissioning the independent verification agency; and (c) strengthen coordination among various government entities.	

Source: World Bank. 2022. *Nepal School Sector Transformation Program (P177647).* Kathmandu, Nepal. (Decision Review version of the Proposed IDA Credit in the Amount of US$120 million and Global Partnership for Education Grant of US$ 20 million to Nepal for School Sector Transformation Program (P177647), World Bank, October 18, 2022).

1.6 Implementation Arrangements for the Program

36. The existing government system will be used for program implementation including oversight, financial management, procurement, safeguards, monitoring and evaluation, and reporting arrangements. As the executive agency, the MoEST will be responsible for the overall policy guidance and oversight for program implementation. It will also coordinate and collaborate with the NPC, Ministry of Finance, other line ministries, and DPs.

37. The CEHRD, as the main implementing agency, will be responsible for preparing annual strategic implementation plan and annual work plan and budget and carrying out program activities with the support of other central-level agencies. The CEHRD will also be responsible for developing standards, monitoring and managing education information, developing teacher training curricula, and building the capacity of staff engaged in education services (Box 1.2).

Box 1.2: Central-Level Agencies Supporting the Center for Education and Human Resource Development

The central-level agencies supporting the CEHRD comprise the following:

(a) The Curriculum Development Centre which is responsible for developing curriculum and reading materials and standards of student evaluation.

(b) The ERO informs policy development and system reform through assessment of learning achievement of students at various grades, performance audit of schools and educational institutions, and impact assessments of programs and policies and research studies on various educational issues. It also helps in the identification of reform measures by studying the achievements and impact of educational methods, policies, and programs.

(c) The Teacher Service Commission is responsible for managing teacher selection, promotion, and teaching licensing-related work.

(d) The Teacher Records Office under the Ministry of Federal Affairs and General Administration (MoFAGA) is concerned with all services related to retired teachers, including their records and pensions.

(e) The National Examination Board conducts public examinations for grades 10 and 12 students.

Source: MoEST. 2022. *School Education Sector Plan, 2022–2032*. Kathmandu, Nepal.

38. At the province and local levels, provincial and local government education offices will execute the Program and report to the CEHRD. These education offices will develop education plans and programs and implement, monitor, and evaluate school education programs at the provincial/local levels.

39. At the beneficiary school level, where most of the SSTP expenditures are made, the main frontline actors are the community schools. Here, the SMCs will be responsible for managing all school-level activities while the parent-teacher associations (PTAs) are tasked with monitoring them. PETCs will provide training, management, and monitoring support to schools. The SSTP Program Secretariat will coordinate the activities associated with the results-based program.

1.7 Environmental and Social Effects

Environmental Safeguard

40. The environmental safeguard issues and benefits that emanate from the implementation of SSTP will depend on the activities carried out under the scope of the Program. The scope of the proposed World Bank operation would be to support the national SESP. Thus, the SSTP covers all levels of school education from ECED/PPE (grades 1–5), basic education (grades 6–8), secondary education (grades 9–12), and nonformal education.[9] There is a shortfall of about 169,138 classrooms in the 27,540 community schools of Nepal. Toilets are available in all schools, but a lack of water supply facilities is a common issue.

41. The SSTP will also support the construction of green and resilient classrooms to reduce the risks from climate change and natural disasters, including earthquakes. The World Bank has supported the GoN to conduct SIA, which covers all the public buildings nationwide, including community schools.

Likely Environmental Issues and Risks

42. Site-specific environmental issues related to school infrastructure development vary from minimal to moderate based on type, location, and scope of infrastructures but the cumulative impacts/or issues due to the construction of school infrastructures envisaged could be wider with respect to the aspects presented hereunder.

43. **Disaster-related risk.** Nepal is ranked the 10th most vulnerable country to climate risk by the Global Climate Risk Index. Schools located in vulnerable geological areas are highly susceptible to disaster-related risks. While landslides and soil erosion are common in hilly and mountainous regions, schools in the Terai region experience waterlogging and flooding. According to the Nepal Education Sector Analysis (2021), up to 60 percent of buildings still have highly vulnerable structures. School infrastructures have been damaged by earthquakes, landslides, and flooding.[10]

44. Due to the high cost of land, school expansion is carried out in cheaper locations vulnerable to climate-induced disasters (close to steep slopes, riverbanks, low flood plain areas and near foothills or near new seasonal watercourses) without considering environmental assessment. Similarly, construction of new physical structures and extension of existing physical structures are generally done without structural analysis, thereby increasing the risk of structural failure. Fixed costs are allocated to prototype

[9] Decision Review version of the Proposed IDA Credit in the Amount of US$100 million and Global Partnership for Education Grant of US$ 20 million to Nepal for School Sector Transformation Program (P177647), World Bank, October 18, 2022.
[10] Eckstein, D., V. Kunzel, and L. Schafer. 2021. *Global Climate Risk Index 2021*. Germany.

design of school buildings without considering the location and other vulnerabilities, which leads to a compromise in the quality of the structures.

45. SMCs and municipalities (education section) are responsible for approving the school building design prepared by the consultants. Considering the low priority given to environmental protection, environmental issues, and mitigation in the design of infrastructures, disaster risk vulnerability in the school sector is high. The consequences of impacts include damage to teaching and learning materials (ICTs and library) and psychological stress among teachers, parents, and pupils

46. **Debris and solid waste management.** Schools' repair, maintenance, retrofitting, and even new construction require demolition of old structures and facilities. Due to limited land available within the school premises, timely management of debris becomes an urgent issue. Solid waste management is another pressing issue when schools become operational. In many schools, solid waste and wastewater (such as waste generated from canteen in the form of packing materials, poly packages/bottles, food leftovers, and paper waste from classrooms/office) management is not efficient due to the lack of proper disposal facilities such as automatic sanitary pad burning machines and solid waste incineration units. While installation of these types of disposal facilities was observed in model schools (for example, Shree Parbati Secondary School, Kavre), other schools are not equipped with such facilities.

47. **Reduction in green areas due to felling of trees.** New school infrastructures can have an adverse impact on the school environment in terms of reduction of greenery due to debris accumulation and felling of trees. During the warmer months, trees allow surrounding areas to cool down so pupils can still enjoy the fresh air and shady comfort from the heat. Planting trees is an ideal approach to support nature, maintain aesthetics, and improve air quality.

48. **Water and sanitation.** Access to clean WASH is essential for children in schools. Contaminated water and poor sanitation/hygiene increase the risk of diarrhea and other WASH-related diseases disrupting students' school attendance. In general, a significant portion of the school toilets are not clean due to scarcity of water supply or lack of cleaning materials. Septic tanks for toilet waste were observed in most of the schools while there were no adequate provisions for management of wastewater.

49. **Inefficient wastewater discharge facilities.** Appropriate and efficient wastewater discharge facilities need to be adequately considered while expanding school infrastructure. Due to limited knowledge of SMCs and local bodies on the consequences of environmental impacts, discharge of wastewater, including laboratory wastes in open areas, will lead to environmental pollution and contamination of groundwater within the school premises.

50. **Occupational health and safety.** Occupational health and safety (OHS) conditions of workers involved in the construction of school infrastructure is not a major issue considering the small scale of constructions. However, lack of awareness of users' committees and SMCs, overseeing construction works, on this issue increases this risk as these committees do not give adequate attention to workers' safety concerns. Given that orientation to SMCs and users' committees on OHS protocol is nominal, the likelihood of nonadherence to OHS protocol during the infrastructure construction is high despite this being an integral part of the contract related to school construction.

51. **Air pollution/emission.** Air emission/pollution generally emanates from the use of diesel generators and open burning of solid wastes while dust pollution arises as a result of demolition of old buildings. In the absence of mitigation measures and compliance monitoring, students are vulnerable to air pollution. Environmental compliance monitoring from the local government (education section) is

weak due to the lack of sector-specific human resource and low priority accorded to this aspect by municipal education sections and also by the school management.

52. **Exclusion of facilities.** Further, environment-related infrastructure facilities are often excluded during school building construction. This, among others, includes important environment facilities such as (a) proper surface drainage to avoid waterlogging during the rainy season (Terai region schools), (b) ramps to access the classroom for physically challenged students, (c) provision of natural light and proper ventilation for indoor environmental quality, (d) inadequate damp proofing, and (e) management of wastewater. Lack of proper environmental assessment of school infrastructure projects has increased the environment risks and sustainability.

53. **Non-implementation of environmental management.** The World Bank PforR investment ensures that the program activities will follow and comply with the government system. In the case of environmental management, Environmental Protection Act (EPA, 2019) and Environmental Protection Rule (EPR, 2020) are major government regulations applicable to infrastructure projects. The LG is mandated to publish EPA and EPR in the gazette. While a few municipalities have formulated their environment acts/regulations, others are in the process of doing this. Thus, their environmental safeguard management is weak due to the absence of local acts and sector-specific human resources.

Environmental Benefits

54. The SSTP will apply the EMF developed and updated by the MoEST in 2015 for the school education program. The EMF encompasses environment management approaches, procedures, and risk mitigation measures in infrastructure development activities at local schools. The benefits that will ensue are presented hereunder.

55. **Further strengthening of the government's environment management systems for practical and easy application.** During the Program implementation, it is envisaged that the government's E&S management systems at all levels (federal, provincial, and local) will be further strengthened for practical and easy application. Targeted municipalities (staff members) will be oriented on the required environmental safeguards to be followed while the school management will be made familiar with the significance of environmental safeguards.

56. **Construction of green and resilient classrooms to reduce the risk of climate change and natural disasters.** Additionally, the SSTP will support the construction of green and resilient classrooms to reduce the risk of climate change and natural disasters including earthquakes. Classrooms will be built with child- and disabled-friendly designs and proper ventilation and lighting and will incorporate green designs, such as rainwater harvesting systems and improved insulation that will allow for energy efficiency. Appropriate locations of classrooms and proper drainage facilities will also be considered.

57. In addition, the SSTP's integration of environmental management in schools' civil work/physical facilities along with the focus on integrated curriculum with climate-related topics and teachers training will provide the following benefits to teachers and students:

- The SSTP envisages focusing on *integrating climate-related topics to raise awareness* to reduce adverse environmental footprints, promote eco-literacy, and enhance climate literacy through revision and implementation of curriculum for grades 9–12 (Results Area 1).

- *Teachers will be trained on integrated curriculum and the green school initiative* which includes climate change preparedness/emergency response of teachers and evacuation protocols.
- The *capacity of local and provincial governments will be developed* to carry out evidence-based planning, budgeting, financial management, prioritization, and reporting. This will increase efficiency and improve the implementation of conditional grants (Results Area 3).
- The Program will *support the implementation of EMIS policy guidelines and strategic plans* which include improved access to student information with GIS mapping, including information on climate risks (such as disaster hot spots) to improve the targeting of interventions for students during times of crisis (Results Area 3).

Social Risks/Issues

58. **Inadequate and/or ineffective screening, planning, and implementation for the development of VCs and IP resulting in exclusion from school education.** Inadequate and/or ineffective screening of VCs and IP to inform the formulation of VCDF and Indigenous People Development Plan (IPDP) and their ineffective implementation can result in continued exclusion of a large number of children, particularly from poor, marginalized, and disadvantaged communities and CwD. Most commonly, children and students, particularly girls and CwD from marginalized communities and disadvantaged areas, can be prevented from accessing the services such as scholarships, books and stationeries, day meals, online or offline learning facilities, platforms, and so on that target specific groups.

59. **Mismatch of learning packs/materials in terms of contents/language or cultural norms of indigenous groups and ethnic minorities.** Many children enrolled in early grades from marginalized ethnic groups often face difficulties in learning due to application of dialect/language other than their mother tongue. Teaching materials in IP dialects are scarce while application of indigenous dialect in teaching is rare. Thus, the learning outcomes of children with mother tongue other than Nepali are adversely affected and this can be a demotivating factor for continuity of school education in early grades.

60. Children from marginalized ethnic minority communities are likely to be excluded from learning measures in absence of culturally and linguistically appropriate contents and materials. Language plays a major role in the enrolment, retention, and achievement of children in school. Teaching methods/materials/languages and sociocultural norms are major barriers affecting their learning. In Nepal, education is provided in Nepali language in most of the schools, and this one-language policy prohibits many children from early education in their mother tongue. For many children, the national language Nepali is not their mother tongue. IP children and children from other linguistic minorities are introduced to an unfamiliar language in school, forcing them to drop out.

61. **Socioeconomic conditions and traditional values exacerbating exclusion of girls, CwD, ultra-poor children, and Dalits from learning practices due to discriminations.** According to the education policy, all girl students and all Dalit students in basic education (grades 1–8) are currently entitled to annual scholarships amounting to NPR 400 and NPR 500, respectively. The scholarship money is used for various purposes such as buying clothes, books, stationeries, and other learning materials. The CwD enrolled in the schools are also entitled to a separate scholarship. Despite these scholarships, children from poor, marginalized, and indigenous communities face difficulties in continuing their school education due to adverse socioeconomic conditions. For instance, child marriage, particularly of girl students, results in school drop-outs while deepening poverty has compelled children into labor to support family

livelihoods. Girls in Nepal faced high levels of child marriage and adolescent childbearing. Subsequently, girls married off at an early age find it difficult to complete school education, particularly secondary school completion.[11]

62. Though discriminations of Dalit students in school enrolment have significantly reduced, the social barrier they have to overcome is still quite challenging. Discriminations arising out of social norms still prevail in the form of disrespectful behavior and languages. As a result of discriminatory practices in schools, many children from Dalit communities are either prevented from attending schools or drop out in the middle.

63. **Poor access to the distance learning facilities/media (radio, television, computer, internet, and so on) leading to exclusion among the children of the IP/VC group, mainly girls and CwD.** During school closure on account of COVID-19, children of the IP/VC group, mainly girls and CwD, were largely excluded from school education due to poor access to distance learning facilities.

64. **Risk of gender-based violence (GBV), in particular sexual exploitation and abuse/sexual harassment (SEA/SH) and violence against children (VAC).** Lack of awareness and preparedness of school staffs, teachers, and community members in identifying and responding to GBV and SEA/SH-related cases is likely to compound the risks associated with girl child discrimination in schools. SEA/SH and VAC are still prevalent in schools and communities in the form of bullying, teasing, sexual abuse, and use of digital platforms such as cyber-related exploitation and harassment, especially of girl students, CwD, and other marginalized children.

65. **Lack of child-friendly environment and facilities.** Lack of safe, child-friendly, and gender-friendly environment and facilities in public schools is one of the major reasons for poor attendance and retention and high dropout of children from public schools. Large numbers of schools are not student friendly and lack adequate physical and educational environments. Not all schools are resilient to certain circumstances like natural disasters, crises, and epidemics and lack appropriate provision of WASH. Schools without basic sanitation facilities for adolescent girl students pose higher risks of low attendance and higher dropouts. Similarly, ECEDs with poor facilities and meals for children always face the risks of poor nutrition and higher incidence of diseases.

66. **Governance-related risks.** Other direct and indirect risks are related to the timely release of grant funds to the LGs/schools, particularly to schools with resource classrooms and special needs schools as well as use of funds in proper headings. Lack of adequate capacity of LGs; lack of clear guidelines on channeling the funds and their utilization; and poor coordination between central, provincial, and local governments further elevate the above specified risks.

Social Benefits

67. **Enhanced access and participation of financially poor children.** The SSTP will give emphasis to financially poor children, including the indigenous children, to enroll and meaningfully participate in learning. Retention of financially poor students in higher grades (9–12) has always been a key issue in school education in Nepal. Under the SSDP, a pro-poor-targeted scholarship scheme was designed and implemented in grades 9–12, and a pro-science scholarship scheme was implemented in grades 11–12 in all districts. The SSTP will add to that activity and strengthen and improve the efficiency of existing scholarship schemes at the basic level (Pre-primary–grade 8). It envisages doing this by revising and

[11] UNICEF (United Nations Children's Fund). 2019. *Child Marriage, Adolescent Pregnancy and School Dropout in South Asia*.

integrating the existing basic education scholarship schemes to address the needs of marginalized and vulnerable groups. Targeting mechanisms/guidelines to select eligible students will be designed for the provision of a lump-sum grant to LGs to select students in line with the guidelines, including climate vulnerability.

68. **Improved equity and reduced disparities in school education.** Improved application of social safeguards, such as VCDF and IPDP; continued support to existing scholarship for girl students and disadvantaged/vulnerable children (including CwD); day meal schemes; and support to the development of disability- and gender-friendly physical and educational school infrastructure will promote higher level of equity and inclusion in school education.

69. Besides, under the SSTP, the consolidated equity strategy developed and associated policy reforms, applied in the SSDP, will be reviewed and revised and supplemented with the inclusion of equity indicators in the EMIS with the aim to further reduce disparities in terms of access/participation and learning outcomes at basic/secondary education levels.

70. **Improvement in learning outcomes of poor, vulnerable, and disadvantaged children, including CwD, due to quality improvement.** The Program is designed to improve the quality of education through several measures such as capacity building of teachers as well as improvement of curriculum, textbooks, and learning activities. Issues like class disruptions and absence of teachers will be addressed and teaching-learning plans and daily classroom activities will be improved and regulated. Similarly, curriculum and learning activities will integrate contemporary topics, including civic education, ICT, and various soft skills and curriculum improvement of technical stream of secondary education. Data centers and digital laboratories will be established with the use of ICT in learning along with the development of ICT infrastructure with internet connectivity, use of interactive digital materials, and digital textbooks together with educational portal and mobile app development for learning. Given that children from ultra-poor and vulnerable/marginalized communities (including CwD) use the public school system for their education, improvement in quality of community schools will largely benefit these children.

71. **Improvement in social cohesion and citizen engagement in school activities.** Under the SSTP community consultation, proper information disclosure and citizen engagement in school activities will be promoted. This will help reinforce community ownership, enhance social cohesion, and promote good governance in school education. Different schools apply different methods for this purpose. The focus on strengthening social safeguard measures will contribute to reducing deeply rooted traditional cultural practices such as child marriage, discrimination, SEA/SH, and other forms of violence against women and girls in the communities. The SSTP will promote the use of a multilingual strategy to provide education to the children coming from diverse mother tongue and languages.

Borrower's Experience in Handling E&S Aspects

72. The MoEST and CEHRD, previously the Department of Education, have experience in providing school-level education service to children. Over the years, the MoEST has provided able leadership to the school education sector in terms of provision of policies, coordination with other relevant line agencies, and oversight. Likewise, the CEHRD has provided guidance, annual plans/program, monitoring, and supervision for all countrywide school-level education programs implemented in the past.

73. LGs represented by the municipalities and the schools are the primary units to deliver education and handle safeguards issues at the local level. The CEHRD, in collaboration with different donor agencies, has developed several guidelines and working documents to manage the E&S safeguards issues related to

teaching-learning activities, both physically and virtually during the period of COVID-19 when the schools were shut down for extended duration. The center developed and implemented EMF and SMF during the implementation of the SSRP and SSDP in the past. The safeguards documents were aligned with the core provisions of school safety as well as environmental and social safeguard requirements including access, equity, quality, and sustainability of education services for indigenous and vulnerable groups, ensuring that these groups were in no way adversely affected due to the Program interventions. With the support of the SSDP-TA, a stand-alone Safeguard Resource Book (Nepali version), aligned with the EMF and SMF, was developed and implemented by the CEHRD in 2020. The Safeguard Resource Book outlines procedures for safeguard considerations, implementation, procurement, civil works/construction, and information dissemination.

74. A combined (environment, social, and school safety) Capacity and Institutional Development Plan (CIDP) for FY2020–2021 was prepared by the SSDP-TA including specific activities for capacity development under environmental and social safeguard and school safety. According to the CIDP, a two-day orientation program was conducted by the CEHRD leadership in 2021. The orientation program covered planning, procurement management, supervision of construction, implementation of environmental and social safeguards, and other school safety standards compliance procedures for model schools which was attended by 179 persons which included 134 head teachers/teachers, SMC representatives, and 45 LG engineers/sub-engineers.

75. As a result of increased emphasis on safeguards planning, management, and compliance, the CEHRD has been institutionalizing safeguards system within the center and use of various safeguards tools and instruments. For instance, design consultants of 100 model schools, which were selected in FY2019–2020, included safeguard screening reports in the detailed master plan. Another 100 model schools selected in FY2020–2021 were provided safeguards orientation. However, only 22 Environment and Social Screening Checklist/Reports were received during the reporting period, mainly due to low internalization of its significance and low priority accorded toward its completion given that this was not a mandatory requirement. Given the improved capacity within the CEHRD, various safeguards initiatives were implemented during the SSDP implementation. These included OHS and insurance of workers; community consultations, information disclosure, and citizen engagement; grievance hearing and management; and implementation of COVID-19 response measures in the schools as well as environmental and social monitoring (Table 1.2).

Table 1.2: E&S Risks Associated with Program Activities

Environmental Benefits	Environmental Risks	Social Benefits	Social Risks
DLI 1: Ensuring minimum enabling conditions (MEC) in ECED centers			
Negligible	Negligible	• Increased school enrolment of children, mainly girls and CwD • Enhanced student learning outcome • Reduced school dropout rate • Social accountability Nutritious midday meals in basic level	Children from vulnerable and ultra-poor groups may be affected—for instance, they may find difficulties to attend Early Childhood Development Centers (ECDCs)/school or get meals/education materials in remote areas due to accessibility, insufficiency, and lack of information/awareness.
DLI 2: Strengthened implementation of grades 1-3 curricula			
Negligible	Negligible	• Increased school enrolment of children, mainly girls and CwD • Enhanced student learning outcome • Reduced school dropout rate • Social accountability • Nutritious midday meals in basic level	Children from vulnerable and ultra-poor groups may be affected—for instance, they may find difficulties to attend Early Childhood Development Centers (ECDCs)/school or get meals/education materials in remote areas due to accessibility, insufficiency, and lack of information/awareness.
DLI 3: Strengthened support to teachers			
• Enhanced teaching skills on environment issues Better waste management	Negligible	• Enhanced confidence, knowledge, and teaching skills of teachers to enhance student learning outcome • Adoption of student-friendly and proactive teacher behavior in classrooms • Increased school enrolment • Reduced school dropout rate Social accountability	• Non-application of learning by teachers in the absence of monitoring and teaching/learning assessment • Lack of resources to recruit new teachers and for training teachers on contemporary teaching techniques Inadequate quality checks and incentives
DLI 4: Improved assessment and examination system			
Inclusion of environmental safeguards in curriculum	Negligible	• Increased school enrolment due to improved curriculum/textbooks • Enhanced student learning • Outcome/multilingual learning-teaching facilities • Reduced school dropout rate • Transparency in student's assessment • Social accountability	• Children from vulnerable and ultra-poor groups may be affected—for instance, they may find it difficult to attend school or get education materials due to low outreach. • Discriminations/disparities and delay in curriculum development may occur. • Capacity of LGs may be inadequate.

Environmental Benefits	Environmental Risks	Social Benefits	Social Risks
DLI 5: Improved equity and inclusion (Pro-poor-targeted scholarship)			
Negligible	Negligible	• Increased scholarships for uniforms, textbooks, and learning materials to poor and marginalized group children • Increased school enrolment • Reduced school dropout rate • Reduction in child marriages • Students less likely to accept domestic violence as legitimate • Social accountability	• Unfair targeting • Inadequacy of support • Discrimination and delayed delivery of scholarships to target groups
DLI 5: construction of green and resilient classroom			
• Proper waste management • Reduction in vulnerability to natural hazards and disasters • Encourages construction of higher-quality buildings and infrastructure	Inadequate compliance monitoring	• Child- and disabled-friendly classrooms • Improved student comfort and health • Improved work productivity • Pleasing environment for learning and boosting morale	Negligible
DLI 7: Strengthened governance and system resilience			
Improved implementation of environmental safeguard measures	Inadequate monitoring and evaluation of safeguard compliance	• Improved service delivery due to evidence-based planning, budgeting, financial management, prioritization, and reporting • Improved social accountability • Improved student learning due to better remote learning delivery and improved information technology and digital technology use in classrooms	Negligible Exclusion of poor and marginalized children to access the technologies
IPF Component (Provision of short-term and long-term advisors and consultants, consulting firms, and non-consulting agencies to support and strengthen the capacity of School Sector Transformation Program (SSTP) program implementation.)			
• Improved environmental safeguard frameworks • Improved implementation of environmental safeguard measures	Negligible	• Improved social safeguard frameworks • Improved implementation of social safeguard measures • Improved social accountability due to better EMIS and SAS	Limited resources for hiring qualified consultant/firms at the center and LGs

2. ASSESSMENT OF ENVIRONMENTAL AND SOCIAL MANAGEMENT SYSTEMS

76. This section broadly covers

- The overall country system in managing E&S impacts specifically related to school-level educational services and
- Institutional responsibilities for implementing E&S management.

2.1 Review of National Legal Policy Framework

77. Following the promulgation of the Constitution of Nepal in 2015, school education has come under the purview of LGs. Schedule 8 of the Constitution lists basic education (up to grade 8) and secondary education (from grade 9 to 12) under the list of powers granted to the local level. Accordingly, the Act Relating to the Operation of Local Government 2017 (Local Government Operations Act [LGOA]) provides LGs 23 rights related to school education.[12] This, among others, includes the right to draft and implement policies and legislations related to school education and to draft, implement, monitor, evaluate, and regulate their plans. Previously, the rights pertaining to school education at the local level resided primarily with the District Education Office (DEO) of the central government. Now, the rights and responsibilities of the DEO have, in principle, been transferred to LGs.

78. In the current federal system, all of these rights and responsibilities (except for managing the appointment, transfer, and promotion of teachers and overseeing School Education Examination (SEE) and class 12 examinations) have been transferred to LGs. Thus, in the current context, LGs have little experience in managing education programs as they have been exercising this responsibility for just a few years. Given that employees working in the federal education service were integrated into the Education Section of municipalities, the human resources currently posted in the Education Section are experienced hands of the education sector. Therefore, the lack of experience is an institutional issue rather than an individual one. It is important to streamline the system and processes to ensure that safeguard measures are applied and complied with.

79. The federal government issued a statement on November 13, 2019, to issue its Education Policy and made it public on December 11, 2019. This policy further restricted the exclusive rights of LGs regarding school education. Under this policy, the federal government had given LGs education-related rights up to the basic level but retained rights regarding the management of secondary education. The Education Development and Coordination Unit (EDCU) was formed at the district level where these rights were transferred. Hence, it appears that the federal government is trying to retain some rights regarding basic and secondary education. The transfer for school management is depicted in Table 2.1.

[12] The 23 rights include rights pertaining to the establishment, permission, operation, management, and regulation of community, private, trust, and cooperative school; mother language education; village/municipal education committee formation and management; increasing of school quality; educational infrastructure building, repair, and maintenance and management; management of teachers and employees approved position; trainings and capacity development; community school budget management; basic-level examinations' management, monitoring, and regulation; and additional educational activities that have been kept under the jurisdiction of the LGs. *Source:* Nepal Law Commission. 2017. *Local Government Operation Act.* Kathmandu, Nepal. Section 11(2)(H).

Table 2.1: Transfer of Authority for School Management in 2017

Functions	Before 2017 - Authority under the Education Act	Current - Authority under the LGOA
Opening new schools	Central- and district-level education line agencies	Village or municipal councils
Conducting examinations	• District level - basic education • Central level - secondary education	• Basic - village or municipal councils • Secondary - central level
Feedback on local-level policies	Nepal Education Council	Village or municipal councils
Auditing education quality	Education Review Office	• Education Review Office
Oversight and management of schools	District education councils	Village or municipal-level education committees
Policy preparation for educational development	Line ministry and district education councils	Line ministry and village or municipal executives
Selection and promotion of teachers	Teacher Service Commission	Teacher Service Commission
Teaching license	Teacher Service Commission	Teacher Service Commission
Curriculum modifications	Curriculum Development Center	Curriculum Development Center and LG for local curriculum
Management, monitoring, and operation of schools	SMCs	SMC and/or village or municipal executives
Appointment of teachers	SMC	SMC and LGs
Transfer or merger of public schools	Central Government of Nepal	Village or municipal executives and councils
Transfer of teachers	Central-, regional-, and district-level education line agencies	Central level

Source: MoEST. 2021. *Nepal Education Sector Analysis*. Kathmandu, Nepal.

80. Nepal has formulated and/or enacted several policies, instruments, and laws that support E&S assessment and E&S risk management. In alignment of the constitutional right of every citizen to get compulsory and free education up to the basic level and free education up to the secondary level from the state and to live in a clean environment,[13] the GoN has enacted various acts/regulations relevant to the education sector. Some of these related to the social aspects of the school education sector are presented in Table 2.2.

Table 2.2: Applicable National Legislative Measures, Policy Guidelines, and Directives (Social)

S. No.	Policies/Acts	Descriptions of Measures
1	Constitution of Nepal, 2015	Article 31 of the constitution ensures the right relating to education with different clauses proclaiming that (a) every citizen shall have the right of access to basic education; (b) every citizen shall have the right to get compulsory and free education up to the basic level and free education up to the secondary level from the State; (c) the citizens with disabilities and the economically indigent citizens shall have the right to get free higher education following the law; (d) the visually impaired citizens shall have the right to get free education through Braille script, and the citizens with hearing or speaking impairment shall have the right to get free education through sign language; and (e) every Nepalese community residing in Nepal shall have the right to get an education in mother tongue.

[13] Nepal Law Commission. 2015. *Constitution of Nepal.* Kathmandu, Nepal. Part 2, Section 23.

S. No.	Policies/Acts	Descriptions of Measures
		According to Schedule 8 of the Constitution, 'basic and secondary education' shall remain the sole jurisdiction of LGs. However, under Schedule 9, 'education' is listed as a concurrent jurisdiction between the federal, provincial, and local governments.
		The Unbundling Report on Powers of the Federal, Province and Local Levels Pursuant to Schedules 5–9 of The Constitution of Nepal as approved by the Council of Ministers of Government of Nepal provided some clarity on 'basic and secondary education' listed in Schedule 8 as the sole jurisdiction of LGs but did not mention its jurisdiction in relation to the concurrent rights listed under Schedule 9. Instead, the report gave provincial governments the rights to determine the criteria for managing and regulating teachers and conducting the grade 10 exams at the secondary level. Further, the LGOA does not give the rights to appoint teachers to the LGs. This reflects the federal government's attempt at limiting school education-related rights given to LGs.
2	National Education Policy, 2019	Clause 10.4 of the policy ensures compulsory and free basic education for all, improving their access and participation. Clause 10.6 protects continuity in education for all school-going-age children.
		The policy commits to school infrastructure and resource interventions that are gender and disabled friendly and encourages scaling up of technical and vocational education and training options that "[create] opportunities for women, youth, minorities, endangered, backward communities including Adivasi/Janajatis or Indigenous People." The National Education Policy prioritizes consideration of the selection of women as head teachers/principals to enhance female leadership and representation at the school level, as well as opportunities for Dalit, Janajati, and other marginalized indigenous groups to manage classrooms, provide mother tongue instruction, and build relationships with the community.
		The policy makes provisions for private schools to allot 10–15% of their seats to "disadvantaged intelligent, disadvantaged Dalit, disadvantaged persons with disability" to pursue an education (2019) and that scholarships be provided to "children of parents who are economically disadvantaged including Dalits, Adivasi/Janajatis, other marginalized and disadvantaged, conflict survivors and those living in hardship." In addition, free early childhood education is proposed for children from economically disadvantaged and disabled communities, including Dalits and those in remote regions.
3	Inclusive Education Policy for Persons with Disability, 2017	Nepal has adopted inclusive education policies to support children with different forms of disabilities. Special Education Policy 2053 BS clearly spells out the opportunity of providing education with hostel facilities to the blind and deaf as well as intellectually and physically disabled children. Education Regulation 2059 BS (Rule 60) mentions the provision of special education to disabled children.
4	CEHRD, Resource Book for School Management (Section Ga: Environmental and Social Management) 2020	Section Ga of the document deals with Social and Environmental Safeguards of schools. Subsection 5 of the document underlines the need to conduct ESMPs, BES, IEE, Environmental Impact Assessment (EIA), IPDP, and VCDP as relevant to address E&S issues and impacts identified by the screening checklist, including issues related to land and land ownership-related disputes. According to the guideline, all public/community schools shall have their own lands with land title deeds (Lalpurja) for the construction of school facilities.
5	President Educational Reform Program Implementation Guideline, 2019	The guideline has come into force to improve the quality of public sector educational facilities such as scholarships and learning materials/tools, laboratories, and sports materials and ensure quality education to children.

S. No.	Policies/Acts	Descriptions of Measures
6	The Act Relating to Compulsory and Free Education, 2018	Chapter 2 of the act guarantees access of citizens to education and the liability of the State. Clause 3 of the act stipulates the right to get education such that every citizen shall have the right of equal access to quality education. No one shall be discriminated on any ground to get education. Chapter 3, Clause 6 of the act guarantees compulsory and free education: (1) after the commencement of this act, the State shall make provisions to provide compulsory education up to the basic level to every child who has completed four years but not completed thirteen years of age, through every local level; (2) in addition to the education mentioned in subsection (1), at least one year's early childhood development and education shall be provided after the completion of the age of four years; and (3) the local level shall make provision to provide education up to the basic level safely for the children affected due to other reasons, including a natural disaster, accident, or an unexpected incident.
7	The Good Governance (Management and Operation) Act, 2064 (2008)	Equity and inclusiveness is regarded as one of the bases for executing the administrative function. The act also requires the GoN to pursue social justice; empowerment of women and promotion of gender justice; uplifting of ethnic groups, Dalit, and economically and socially backward classes; sustainable and efficient management of natural and public resources; and environmental management while carrying out the administrative function of the country.
8	The Act Relating to the Operation of Local Government 2017 (LGA)	The LGOA provides LGs 23 rights related to school education.[14] This, among others, includes the right to draft and implement policies and legislations related to school education and to draft, implement, monitor, evaluate, and regulate their plans.
9	The 15th Plan (FY2019/2020–2023/2024)	Increasing literacy rate to 99% from the current 70% is one of the main goals of the plan, which envisages ensuring accessible and quality education. In addition to ensuring free and compulsory basic education and secondary education, access to quality education and technology-friendly, employment-oriented, and life-long education will be developed and expanded. Specialized and higher education will be expanded and strengthened at the local level for technical education and at the state level. Strengthening education and educational institutions and building quality infrastructure, good governance and competitive ability will be enhanced. In addition, the role of the private, cooperative, and community sectors will be developed as complementary.
10	Right to Information Act, 2007	To make the functions of the government transparent under democratic system of governance, information plays an important role. Accordingly, the Right to Information Act has been enacted to allow Nepali citizens' access to information on the functioning of any 'public body' to make governance and policy making more transparent and accountable. More specifically, Clause 3 of the act ensures the right to information to all the nationals of Nepal. Clause 7 describes the procedure for acquiring information. Clause 4 of the same describes the responsibility of the public bodies to disseminate information. In doing so, the act mentions that public bodies may use different national languages and mass media while publishing, broadcasting, or making information public.

[14] The 23 rights include rights pertaining to the establishment, permission, operation, management, and regulation of community, private, trust, and cooperative school; mother language education; village/municipal education committee formation and management; increasing of school quality; educational infrastructure building, repair, and maintenance and management; management of teachers and employees approved position; trainings and capacity development; community school budget management; basic-level examinations management, monitoring, and regulation; and additional educational activities that have been kept under the jurisdiction of the LGs. *Source:* Nepal Law Commission. 2017. *Local Government Operation Act.* Kathmandu, Nepal. Section 11(2)(H).

S. No.	Policies/Acts	Descriptions of Measures
11	The Sexual Harassment at Workplace Prevention Act, 2015 (2071)	The act is a specific legislation addressing sexual harassment at workplace with the objective to protect the right of every individual to work in a safe environment. Under the act, 'workplace' is defined to include any place used by (a) government entities; (b) entities owned (fully or partly) by government; (c) corporate bodies or institutions established in accordance with the prevailing laws; and (d) any firm, institution, or corporate body registered or licensed to carry out any business or trade or provide services, in the course of conducting their business. Section 12 of the act provides that any person who has committed sexual harassment may be punished under the act with imprisonment of up to 6 months and/or fine of up to NPR 50,000.
12	Caste-based Discrimination and Untouchability Act, 2011	The act has made any practices of discrimination and untouchability at both private and public places a crime and punishable according to the law. The law has increased punishments for public officials found responsible of discrimination. Further, it also requires perpetrators to provide compensation to victims and criminalizes incitement for caste-based discrimination.
13	Land Acquisition Act (1977) and Land Acquisition, Resettlement and Rehabilitation Policy for Infrastructure Development Projects (2015)	These key legal instruments specify procedures to be followed for land acquisition and compensation. The legal instruments empower the GoN to acquire any land, against payment of compensation, for public purposes or for the operation of any development project initiated by government institutions. They also include a provision for acquisition of land through negotiations. Clause 27 of the act includes provisions for land acquisition through negotiation with the plot owners, where the process of land acquisition is not required. The policy enables voluntary donations, direct negotiation, land development programs, and use of eminent domain. In general, most construction of school buildings and associated facilities is expected to take place within school premises, and if land is required, it will be through voluntary land donations by the communities. In exceptional cases, a willing seller, willing buyer approach may apply as provided in the Land Administration Act and Land Revenue Act. The program will not entail any involuntary land acquisition through eminent domain.
14	International Laws and Conventions	Nepal is party to many international conventions that directly or indirectly relate to the issue of disability. The government has ratified the Convention on the Rights of the Child (1989) and is a signatory of EFA and the Salamanca Declaration (1994). The South Asian Association for Regional Cooperation (SAARC) declared 1993–2002 as the SAARC Decade for the Disabled.
		In addition, Nepal is committed to important international conventions which have strong gender implications such as the United Nations Millennium Declaration, the Beijing Platform for Action, and the Convention on the Elimination of all Forms of Discrimination Against Women.
15	The World Bank ESS 7: Indigenous Peoples Policy	This policy contributes to poverty reduction and sustainable development by ensuring that projects supported by the World Bank enhance opportunities for IP to participate in, and benefit from, the development process in ways that do not threaten their unique cultural identities and well-being. In the SSTP, this standard is relevant to ensure that the planned teaching-learning facilities under the project are accessed by the children of vulnerable/marginalized communities and IP. Specifically, the girls and CwD of these groups will benefit from targeted interventions such as scholarships, free textbooks distribution, cash incentives, special education, and so on.

S. No.	Policies/Acts	Descriptions of Measures
16	ADB SPS Involuntary Resettlement Safeguards Policy Principles	ADB will not finance projects that do not comply with its SPS, nor will it finance projects that do not comply with the host country's social and environmental laws and regulations, including those laws implementing host country obligations under international law.

81. The applicable national legislative measures, policy guidelines, and directives related to the environment are presented in Table 2.3.

Table 2.3: Applicable National Legislative Measures, Policy Guidelines, and Directives (Environmental)

S. No.	Policies/Acts	Provision
1	Constitution of Nepal, 2015	Right to clean environment is listed as the fundamental right of every citizen by the Constitution of Nepal.
		Part 3: Fundamental Rights and Duties: Right to clean environment: Article 30 states (a) every citizen shall have the right to live in a clean and healthy environment; (b) the victim shall have the right to obtain compensation, in accordance with law, for any injury caused from environmental pollution or degradation; and (c) this article shall not be deemed to prevent the making of necessary legal provisions for a proper balance between the environment and development, in development works of the nation.
		Article (221) has given legislative power to the local level—the village and the municipal assembly. In the current federal context, based on the constitutional legislative power (schedules 6, 7, and 9), the provincial and local governments are mandated to prepare and publish their own legal framework.
2	Environment Protection Act, 2019 and Environmental Protection Rules, 2020	EPA 2019 and EPR 2020 are the major legislations that provide a holistic framework for the protection, management, and improvement of the environment during project implementation. EPR 2020 highlights that any development project before its implementation has to undergo an environmental assessment, which will be in the form of a BES, IEE, or EIA depending upon the location, type, and size of the project.
		The EPA requires Strategic Environmental Analysis, which will allow policy makers to systematically evaluate the environmental, social, cultural, and economic impacts of proposed projects, programs, or policies and in-depth alternative analysis which mandates that project proponents compile information on the favorable and adverse environmental impacts of all credible alternatives for the proposed project and recommend the most appropriate alternative for implementation and so on. The act has incorporated provisions relating to climate change to promote adaptation and mitigation of climate change at all three tiers of government. It also requires the involvement of the project communities/stakeholders in the stages of preparation of BES, IEE, and EIA in a prescribed manner. Provisions for submission of a proposal for approval and conditions of approval are provided in the act.
3	National Environmental Policy, 2019	The GoN endorsed the policy to control pollution, manage waste, and promote greenery to ensure citizens' right to live in a fair and healthy environment. The policy guides the implementation of environment-related laws and other thematic laws, upholds international commitments, and enables collaboration between all concerned government agencies and nongovernmental organizations (NGOs) on environmental management actions.

S. No.	Policies/Acts	Provision
4	Climate Change Policy, 2019	The policy includes climate adaptation and disaster risk reduction; low carbon emission and climate resilience; access to financial resources and utilization; capacity building, peoples' participation, and empowerment; study, research, and technology transfer; climate-friendly natural resources management; and institutional setup with legal provisions for monitoring and evaluation.
5	Forestry Policy (2015)	The GoN has promulgated Forest Policy 2015 by repealing the previous policy of 2000. All forest sector policies and strategies, including forest, wetland, vegetation, wildlife, biodiversity, non-timber forest product, and soil and watershed conservation, are directed by this policy. The goal of this policy is "Forest, biodiversity, plants resources, wildlife, watersheds and other ecosystems are protected, sustainably managed and climate resilient through an inclusive, decentralized, competitive and well-governed forestry sector providing equitable employment, incomes and livelihoods opportunities." This policy, among others, emphasizes enhancing the climate resilience capacity of the society and forest ecosystems. It promoted payment for ecosystem services and biomass-based renewable energy. This policy further emphasizes diversification and optimum utilization of forest products and services. Managing and utilizing land and forest resources according to their ecological advantage are central to this policy. The policy includes protection of land from degradation by soil erosion, landslides, desertification, and other ecological disturbances.
6	Local Government Operations Act, 2017	The act defines the roles, responsibilities, and authorities of the LGs. It was enacted according to Article 296 (1) of the Constitution of Nepal, 2015, to leverage local leadership and the governance system. The act has stipulated several arrangements related to authorities, duties, and responsibilities of LGs, assembly meeting and working system, assembly management procedures, plan formulation and implementation, judicial works, financial jurisdictions, administrative structure, and district assembly, among others. It outlines criteria to divide a state into municipalities or rural municipalities and the respective rights, duties, and responsibilities in different development and conservation sectors. It clarifies the rights of municipalities/rural municipalities to form local laws, regulations, and criteria for the conservation of environment, protected areas, and species; environmental pollution and hazard control; solid waste management; and so on.
7	Solid Waste Management Act, 2011	The act focuses on sustainable management of solid waste and minimizing of negative impacts on the environment and public health. Chapter (2) Subsection (7.2) outlines that any individual, organization, or body producing harmful or chemical waste shall be responsible for the management of such waste as prescribed. Chapter (9) Section (38) has provision of 'Offense and Punishment' where anyone found to be committing acts deemed offensive will be liable to a fine imposed by the local body under Section 38 paragraph (j), ranging from NPR 30,000 to NPR 50,000. The offensive acts according to Section (38) Subsection (J) are as follows: throwing, placing, depositing, or discharging any kind of harmful waste, except in places prescribed by the local body like a road or on any other public places, causing detrimental effect to public health.
8	Drinking Water Regulation, 1998	The regulation specifically deals with drinking water and sanitation issues. Among other provisions, it regulates the quality of drinking water and drinking water suppliers.

S. No.	Policies/Acts	Provision
9	The National Building Code, (NBC) 105 (2020)	This code covers the requirements for seismic analysis and design of various building structures to be constructed in the territory of the Federal Republic of Nepal. It also makes it mandatory to follow the minimum standards for design of earthquake-resistant buildings with structures or components thereof to be determined in accordance with the provisions of this standard. The NBC requires that building structure shall be designed and constructed to withstand the design seismic forces without local or global failure, thus retaining its structural integrity, stability against overturning, and a residual load bearing capacity after the earthquake.
10	Asbestos	Effective from June 20, 2015, the GoN has banned the import, sales, distribution, and use of all asbestos and asbestos-containing materials. Asbestos is largely used in roofing and extensively popular in Nepal, including in the school sector. This regulation related to the ban of asbestos use is not properly monitored.
11	ADB SPS Environment Policy Principles	All projects funded by the ADB must comply with SPS 2009 to ensure that these projects are environmentally sound, legally compliant, and safe. On the environment, the ADB Operations Manual, Bank Policy (OM Section F1/OP, 2010), underpins SPS 2009. The policy promotes international good practice as reflected in internationally recognized standards such as the World Bank Group's Environmental, Health, and Safety Guidelines.

World Bank's Country Partnership Framework 2019–2023

82. The proposed PforR is well aligned with the World Bank Group's Nepal Country Partnership Framework (CPF) 2019–2023. Improving equity in access to quality education is one of the objectives (Objective 3.1) of the 'Inclusion and Resilience' focus area (Focus Area 3) of the CPF (2019–2023). Under this objective, the World Bank aims to enhance access to quality education and skills development for employment.

83. Despite the gains in education, significant gaps in outcomes persist across Nepal's regions and socioeconomic groups. There has been limited attention to early childhood development, which affects learning outcomes in the latter years. Moreover, market-relevant skills remain scarce, thereby limiting the supply of a productive labor force that will be needed to trigger Nepal's growth. The World Bank's engagement will focus on improving the quality of the education system, which will promote greater equity and economic empowerment of women. This needs to be carried out in tandem with the government efforts in reorganizing the service delivery model under the new federal structure.

2.2 Management System on E&S Impacts in School-Level Education

84. At the federal level, the significance of safeguards requirements, planning, implementation, and monitoring has been internalized. This is validated by establishment of appropriate institutional arrangements and the rollout of EMF and SMF for the school education sector.

E&S Safeguards Planning and Management Procedures

85. The CEHRD's Resource Book, 2020 (Nepali) provides an elaborate E&S safeguards management framework with clear policy principles regarding various safeguards issues and concerns. These include principles to be followed during the construction works in the school including land acquisition and the use of E&S screening checklist and preparation of E&S documents like ESMP, IEE, Due Diligence Report, and IPDP/VCDF based on the screening findings. The principles also outline grievance hearing and management in the schools as well as regular consultations and monitoring of safeguards compliance.

The document also includes safeguards guidelines that need to be considered during the construction, improvement, and retrofitting of school facilities. The Resource Book also requires the schools to comply with information recording, communication, and dissemination with detailed outlines and procedures.

Institutional Arrangements and Mandate

86. The institutional arrangement for overseeing safeguards planning, implementation, and monitoring/evaluation will be aligned to the Program implementation structure. The MoEST, as the executing agency, will have the overall responsibility for safeguards policy formulation and oversight. The CEHRD, with the support of the EDCU, will provide overall guidance to the designated authorities at the local levels to implement safeguard measures at the school level.

87. Currently, the CEHRD plays a critical role in safeguards planning, providing orientation on safeguards issues/frameworks to LGs and schools and monitoring compliance. It has designated a director-level official as the focal person for overseeing safeguards concerns. While the CEHRD is mainly involved in providing guidelines and coordination, provincial as well as local governments and schools are responsible for the implementation of the SSTP, including safeguards planning and compliance.

88. At the CEHRD, a program implementation committee, headed by the CEHRD Director, was formed to support the implementation of the SSDP. Besides this committee, different technical working groups were formed for advising and knowledge sharing among the experts on thematic areas such as access and participation, equity and quality, inclusive education, ECDCs, school safety, and so on. Giving continuity to these committees will also be important for the implementation of the SSTP.

89. In principle, the SMC and PTA are responsible for overseeing the implementation of the E&S measures under the technical supervision of the IA. The Executing Agency (EA) and Implementing Agency (IA) are responsible for appointing a safeguard focal person to look after safeguards implementation. The management support consultant to EA and IA is required to technically support the safeguard focal point in the EA and IA to operationalize the safeguards mechanism and comply with the safeguard requirements. Though the overall key E&S tasks, the corresponding activities, and responsible units (as shown in Table 2.4) have been incorporated in the Environmental and Social Management Framework (ESMF), this is yet to materialize at the local level.

Table 2.4: Key E&S Tasks, the Corresponding Activities, and Responsible Units

S. No.	Key E&S Tasks	Activities	Responsible Unit
1	Overall ESMF planning and implementation	Training/orientation/consultations and development of guidelines	MoEST/CEHRD/Project Coordination Unit (PCU)/LGs/schools
2	Activity-level E&S screening, risk assessment, and categorization	Desk study/walkthrough/meetings/consultations	LGs/schools under the guidance of PCU/CEHRD
3	Preparation of activity-level ESMPs, IPDP, VCDPs, and Labor Management Plans (LMPs)	Desk study/site visit/survey/preparation of document and consultations	LGs/schools with support of PCU/CEHRD

S. No.	Key E&S Tasks	Activities	Responsible Unit
4	Implementation of ESMPs and other E&S management plans	• Mitigate and manage the environmental and social risks/impacts • Compliance monitoring • Ensure benefits to the target groups	LGs, EDCUs, schools, and contractor

2.3 Institutional Capacity of Relevant Agencies in Identifying and Managing E&S Issues

90. The federal-level regulatory framework for identifying and managing E&S issues is strong both in terms of provisions for creating a safe environment for school users and safeguarding the environmental hazards such as pollution, waste management, and natural disasters. However, the implementation of these existing legal and regulatory provisions at the provincial and local levels faces challenges due to regulatory deficiencies, shortage of human resources, inadequate institutional capacity, and low priority and budget allocation. The institutional capacity of IAs in identifying and managing E&S issues varies at different levels. While it is observed to be strong at the federal level, it is weak at the provincial and local levels.

91. The MoEST has the policies and plans and trained human resources and budget for identifying and managing E&S issues. The institutional capacity to provide policy guidance and exercise oversight is strong. A similar situation is also prevalent in the CEHRD in terms of policies and plans and trained human resources and budget. The institutional capacity of the CEHRD is strong in terms of policy implementation, monitoring, and capacity development of human resource as well as providing of guidelines and orientation on E&S safeguards and operation of EMIS.

92. The institutional capacities of IAs at the provincial and local levels are inadequate and require strengthening. Furthermore, there is lack of clarity on the roles and responsibilities for carrying out E&S-related activities like screening, preparing ESMPs, and monitoring. Though all provincial governments have formulated their EPA, they lack policies, adequate human resources, and budget to carry out the defined responsibilities under the applicable system, particularly in terms of providing policy guidance and exercising oversight. A safeguard focal person has not been designated.

93. Though some LGs have formulated their own Education Act, in general, they lack policies, guidelines, and adequate human resources and budget to carry out the defined responsibilities under the applicable system, particularly in terms of implementation and monitoring of safeguards measures in schools. The lack of human resources is mainly due to nonfulfillment of vacant position in LGs' Education Sections.

94. LGs mostly use the NBC for post-earthquake school construction. They are not directly applying the SMF and EMF of the CEHRD, but physical construction under conditional grants has to comply with the federal environmental and social safeguards requirements. A safeguards focal person has not been designated. However, mere designation of a focal person is unlikely to solve the problem unless that person is provided a clear ToR and budget to fulfill responsibilities. In this context, it is not surprising that supervision and inspection of the school education system, including application of safeguards measures, have not yet been institutionalized.

95. Schools were mostly unaware about EMF and SMF and safeguards requirements devised by the CEHRD. Though the CEHRD issued a directive for the head teacher to be designated as the safeguards

focal person in model schools, in practice, this had not been applied in the schools visited by the ESSA team. However, all the four model schools visited had constituted a Construction Committee, according to the directive of the CEHRD, to oversee the construction works in their schools. The committees are generally gender balanced and inclusive, comprising members of the SMC, teachers including the head teacher, and parents/guardians. However, they lack technical persons to provide guidance on identifying and monitoring E&S issues. Most of the schools have formed GRM committees or appointed a focal person for dealing with grievances which are filed through complaint boxes or verbally reported to the GRM focal person or the head teacher.

Local Governments in Education

96. Following the three-tiered federalism, the LGs, mainly the municipalities and provincial governments, are authorized to discharge as many as 23 functions of school-level education that were performed by the Department of Education at the center and DEOs in the districts. With the change in the governing system, all LGs have set up their own education units. The municipal education units primarily perform the following functions:

- Release funds for salary of teachers and staff on quarterly basis.
- Release conditional grants to the schools.
- Facilitate SMC and PTA formation in the schools.
- Formulate municipal-level acts, guidelines, and rules.
- Monitor schools including vocational and religious schools.
- Coordinate with the Planning Unit within the municipality.
- Approve establishment of new schools.
- Approve existing schools for construction of new physical structures and incorporation of additional grades.
- Support other activities as necessary.

2.4 System Performance

97. This subsection examines system performance at the policy, regulatory, and operational levels. At the regulatory level, a review of the performance of the regulatory functions of various relevant agencies has been presented. At the operational level, a review of the performance of safeguards planning and implementation at the three levels of the federal structure has been presented.

Environmental and Social Screening

98. Given that E&S screening practices for activities related to civil works in schools are relatively new, a long-term national-level planning framework or guidelines for the screening works is yet to be formulated/applied. However, some initiatives on E&S project-level screening were taken by the CEHRD during the implementation of the SSRP and the SSDP. The project-level SMF and EMF, prepared by the CEHRD, highlighted not only the importance of these frameworks but also screening needs for identifying potential social and environmental issues or impacts during the planning and design stages. Currently, the CEHRD has developed a resource book with an elaborate section entitled Environmental and Social Management Framework (Section Ga) encompassing a detailed screening checklist. Completion of this

checklist is mandatory for all schools before the commencement of civil works. In compliance with this requirement, design consultants of 100 model schools, which were selected in the FY2018–2019, included safeguards screening reports in the detailed master plan. An additional 100 model schools selected in FY2019–2020 were oriented on safeguards planning and implementation during the capacity development training provided to them.

E&S Compliance Monitoring

99. With the initiative of the CEHRD, model schools were required to conduct compliance monitoring for key E&S indicators. Environmental compliance monitoring of 12 model schools during September-October 2021 captured important information on different indicators like labor camp management, drainage facilities, removal of trees, noise and air pollution, spoil management, and safety measures at construction sites. Similarly, social compliance monitoring captured information related to the formation of SMC and PTAs in schools, land availability/ownership, construction of disabled- and girl-friendly facilities in schools, community consultations, information dissemination, operation of functional GRM, and so on. However, E&S safeguards compliance monitoring has yet to be institutionalized as a regular practice in school-related entities across all three tiers of governments.

Social Mitigation Measures

100. **Enhanced access, quality, and participation.** Constitutional and legal provisions together with education policies, guidelines, and frameworks mandate the MoEST/CEHRD and LGs to improve nationwide access, equity, quality, and participation in education. The focus is on ensuring that the education system is inclusive and equitable in terms of access, participation, and learning outcomes, with a special focus on reducing disparities among and between groups with the lowest levels of access, participation, and learning outcomes. The SSDP set out clear priorities for public education. The plan was underpinned by three areas for improvement: inclusion, access, and quality. The focus was on reduction of disparities in access, participation, and learning, along with improving pedagogy, curriculum, assessment and materials, institutional capacity strengthening, and ensuring of agreed minimum standards for schools. Likewise, quality education targets increasing students' learning through an enhanced learning environment including improvement in curriculum, teaching and learning materials (including textbooks), teaching methods, assessment and examinations, and so on. The government also encourages efficiency in education through strengthened reorientation in governance and management, making all levels of governments more accountable toward public education and ensuring that the overall minimum standards in the teaching and learning processes and the learning environment are met.

101. **Educational services to girls and CwD from indigenous/vulnerable communities.** According to Flash Report 2021,[15] a total of 7,083,953 students were enrolled at all levels of school education, of which 3,372,461 or around 48 percent were girls. Girls' enrolment at the ECED and basic education levels (grades 1–8) at 46.4 percent is lower than that of boys while the same at 51.3 percent in secondary is higher than that of boys.

102. The enrolment of children with different types of disabilities in ECED, basic level (grades 1–8), and secondary level (grades 9–12) is 0.6 percent, 0.5 percent, and 0.3 percent, respectively, indicating that the enrolment rate of people with disabilities is less than the share of their population (1.9 percent). It is a major challenge to deliver ECED to the many four-year-old children unable to participate in this level of education, especially children from marginalized groups in geographically remote regions and CwD. The

[15] CEHRD. 2021. *Flash Report 2077 (2020–021)*. Sanothimi, Bhaktapur, Nepal.

enrolment rate of Dalit students in ECED, basic level (grades 1–5), and basic level (grades 1–8) is 19.02 percent, 18.86 percent, and 11.29 percent, respectively, of all enrolled students. The enrolment rates of Janajati students studying in grades 9–10 and grades 11–12 are 38.0 percent and 38.5 percent, respectively. With the population of Dalits and Janajatis being 13 percent and 37 percent at the national level, respectively, the ratio of the Dalit community's participation in secondary-level education is low compared to their population.

103. The MoEST has for long been implementing policies/strategies for targeted interventions such as scholarships; provision of ECED programs in poverty-prone areas; multilingual education; girl-friendly and disabled-friendly facilities; and affirmative actions to increase the number of female teachers and teachers from vulnerable communities.

104. **Scholarships.** The 'Scholarship Management Guidelines 2074' is in place to guide the implementation and monitoring of scholarship distribution to the vulnerable/indigenous children. According to the guideline, School-Level Scholarship Management Committees (SLSMCs) coordinate with the organizations or the donors who provide scholarships to students to facilitate the scholarship process and manage the recording mechanism.[16] Scholarship helps retention of students (indigenous and marginalized students, including girls) in schools and increases enrolment rate of students of targeted groups.

105. The GoN has been providing different types of scholarships (for Dalits, marginalized group, girls, and so on) through fiscal transfer to LGs. Scholarships to schools are provided according to schools' records of Nepal. The Pro-Poor-Targeted Scholarship is the government scholarship scheme for community school students in grades 9–12. The CEHRD directly deposits the amount of scholarship grant in the bank account of the selected students.

Vulnerable Communities Development Framework

106. The CEHRD has developed frameworks/plans to support the vulnerable groups in school-level education. A Gender and Vulnerable Communities Action Plan was adopted under the SSP based on the broader VCDF. The VCDF, developed in SSP III, focused on access, equity, quality, and sustainability of education services for females and vulnerable groups. It included scholarships for girls and improvements in basic facilities such as separate toilets for girls. Other policy provisions included affirmative measures to increase the share of female teachers and the representation of women and vulnerable communities in SMCs.

107. Similarly, a VCDF (2074 BS) was prepared to guide the preparation of School Improvement Plan (SIP) under the SSDP to ensure better distribution of the project interventions and inclusion of vulnerable groups within the school catchments areas. The VCDF, which is based on the national policies/strategies, was further informed by the safeguard policies and guidelines of DPs (including the ADB's and the World Bank's policy on Indigenous People). However, the VCDF implementation was largely limited to screening of vulnerable communities, which was a mandatory requirement, in the SSDP's support to model schools. This was mainly due to low internalization of the significance of the VCDF and low priority accorded to its implementation.

[16] By Sub-clause 7.3.2 of this guideline, SLSMCs manage the record of receiving application for scholarship, evaluation of applicant based on agreed criteria, selection of appropriate student, and distribution and monitoring of the scholarship program.

GRM

108. To address grievances/complaints of stakeholders/affected students, the CEHRD developed a working procedure 'Grievance Redress Procedure 2074' (further revised in 2020) for speedy and transparent redress/management of grievances without retribution to the affected person or student. This provides a mechanism for school students to report grievances related to environmental and social issues such as inadequacy of WASH facilities, sexual harassment, gender and caste discriminations, bullying, and any other problems which directly or indirectly affect their mental and physical conditions and their learning environment. It also provides redress/management procedures for grievances for smooth education at school. The Grievance Desk has been established at the CEHRD to monitor whether the GRM system in schools is functioning according to the procedure laid out in the Grievance Redress Procedure. Owing to a lack of resources and capacity, the GRM is yet to be fully functional and systematically managed at the provincial and local levels. The existing GRM also needs to be upgraded to address GBV and SEA/SH-related issues along with e-mechanism for confidential reporting.

109. The existing GRM includes the following steps:

(a) Receive and register all grievances communicated/submitted verbally or in writing through telephone hot lines/toll free numbers, short message service (SMS), project staff and so on involved in handling grievances, or other staff who have direct contact with affected communities and, if necessary, anonymously.

- Collect grievances and acknowledge it within 24 hours.
- The project will track grievances throughout the processing cycle to reflect their status and other important details.

(b) Review and investigate grievances.

- Complaints are categorized and documented depending on the nature and complexity.
- A focal person validates the complaints and arranges for investigation by concerned units or departments within two days.

(c) Develop resolution options commensurate with the nature of grievances within seven days.

(d) *Respond to grievances.* E&S safeguard specialist/focal person communicates with complainant on the investigation findings and the outcome within 24 hours. If the grievance is unresolved, the complainant will be given an opportunity to appeal to the MoEST.

Grievance Handling at the Municipality Level

110. The Education Units of municipalities are the focal points for handling/managing school-related grievances. The designated education officer is tasked with hearing, recording, reviewing, processing, and resolving and/or facilitating the resolution of all kinds of grievances and disputes brought forth by the SMCs/PTAs, teachers, and parents. In the five municipalities visited by the ESSA team, most of the grievances were directly received, in writing, by the Education Section. The municipal grievances box, generally placed near the front door of the municipal office, was seldom used for registering education

grievances. The Education Sections did not have a specific grievance box of their own for this purpose. In general, the major education-related grievances received by LGs pertain to the following:

- Issues related to teachers' appointment, filling of vacant positions, absence of teachers, teachers' transfers within the municipality, teachers' qualification, and teaching quality
- Issues related to release of budget, including teachers' salary
- Request for financial support and/or release of approved grants
- Grievances related to day meals of children (ECED to grade 5) and release of scholarship fund
- Issues related to additional charges levied by schools such as examination fees, dress, school certificates, and so on
- Budget/funds for SMC operation.

111. The Judicial Committee, chaired by the deputy mayor or deputy chairperson, can be considered as the apex GRM at the LG level. Any grievance of serious nature that cannot be resolved by the Education Section can be sent to the Judicial Committee. The Education Units in the municipality do not have a separate grievance cell, but all grievances are handled by the unit staff.

School-Level GRM

112. In general, GRM has been institutionalized in many schools. This was validated during the school visits and by officials of the Education Section of municipalities and EDCU visited by the ESSA team. A grievances box is placed in a strategic location easily accessible to students. In these schools, school-level grievances were reported/recorded and resolved in the schools. According to the CEHRD guidance, all schools maintain a grievances box where the complainants file their grievances in writing. In many instances, students verbally report their grievances directly to the headmaster, focal person, or other teachers.

113. Normally, a Grievance Hearing Committee is formed in schools, comprising teachers, SMC/PTA representative, child club representative, and the GRM focal person. Grievances filed during a particular period are opened and reviewed on a weekly/monthly basis depending on the number and seriousness of grievances received. The grievances are reviewed, and actions/decisions are taken by the committee. Depending on the nature of the grievances and their sensitivity, grievances and actions taken are kept confidential or made public, maintaining secrecy of persons making the grievances. Thus, response to grievances can be conveyed through private or public disclosure of actions/decisions. This is done privately by conveying the decision/actions to the concerned student/students and/or their parents. Actions/decisions are also publicly conveyed through the notice board or in the assembly. The response or action may also be to an individual or group of parents/guardians (class-wise or in general) depending upon the nature of the grievances. Consultations with parents/guardians and/or regulatory authorities are also done depending on the nature and severity of the grievances.

114. The most common types of grievances filed in the school grievances box and reported in person verbally are as follows:

- Low quality of teaching by teachers
- Teachers' behaviors to the students, including discriminations

- Grievances related to teasing/bullying and sexual harassment by boys in classroom or other males outside the school
- Grievances on hygiene/sanitation/changing rooms for girls during menstruation
- Crowded classrooms with limited seating space
- Child marriage/forced marriage.

115. The summary of provisions for GRM in schools is listed in Box 2.1.

Box 2.1: Summary of Provisions for GRM in Schools

- Placement of a complaint box with easy access in a secure strategic location inside the school where students/individuals can file their complaints without disclosing their identity.
- The box should not be inside the principal's room or in the staff room where a student/individual feels insecure and finds it difficult to register complaints.
- Grievance Redress Committee (GRC) shall be formed in every school, comprising a member each from the SMC and PTA, principal, 2 members (1 girl and 1 boy) from children's club, female member from rural municipality/municipality, and focal teacher from the school.
- The meeting of the committee shall take place once a month, where local police staff, health/medical officer, social worker, local child protection committee, or NGO and international nongovernmental organization shall also be invited.
- The school should provide GRM information to students every three months to make them aware about complaint box and GRM.
- The GRC should ensure confidentiality during the inquiry/investigation process.
- The GRC should follow mediation/arbitration method/procedure to negotiate or resolve a grievance.

Source: KIIs.

116. The above provisions were partially followed in schools visited by the ESSA team. Significantly, GRM was mostly institutionalized in these schools with practical contextual adaptation of the provisions presented in Box 2.1.

Community Consultation and Information Disclosure

117. Community consultation, proper information disclosure, and citizen engagement help create ownership and promote good governance in school management and education. The ESMF - Section 3.5, Proposed Social Mitigation Measures, provides that consultations will be carried out as part of the initial project identification/screening and also during implementation. School Development Plans are to be made and their implementation monitored by the school management team under the guidance of School Development Committee, with the involvement of community members/parents.

118. In reality, different schools apply different methods for this purpose. Some schools have formed the Facilitation/Monitoring/Coordination Committee with the involvement of parents/community members. Regular meetings are held to take up the community view and share information on school activities (selection of scholarship, distribution of textbook, teacher training, procurement of stationery/sports equipment/laboratory equipment, and construction of physical infrastructure). Normally, the schools organize interactions with parents on a regular basis on various aspects of education

including students' performance, learning, quality, regularity, and so on which are an integral part of the consultation process.

119. Besides, schools celebrate the school annual day where they share school events/activities, including information on income and expenses, with students, parents, and stakeholders to receive feedback and suggestions. Though few schools were reported to have conducted specific social audit events, many social audit characteristics were embedded in the school annual day events. This was the case in all five schools visited by the ESSA team.

3. ASSESSMENT OF CAPACITY AND PERFORMANCE OF IMPLEMENTING AGENCIES

120. Drawing on the presentation in Section 2, this section summarizes the assessment of the capacity of the MoEST and the CEHRD as well as provincial/local governments, SMCs, and schools to effectively manage the E&S risk for the implementation of the SSTP within the existing system as defined in various laws, regulations, procedures, and implementing guidelines.

3.1 Adequacy of the EMF and SMF for Addressing E&S Risks in the SSP

121. In recent times, E&S concerns have been increasingly considered and embedded in the planning and design stage of school education programs. In the course of the SSDP preparation and implementation, the existing stand-alone EMF and SMF were reviewed by the CEHRD in 2019 for more enhanced safeguards compliance. Further, in 2021, an ESMF was prepared for a COVID-19 School Sector Response Project which included the risks associated with COVID-19. This document was prepared according to the World Bank's Environmental and Social Framework (ESF) and Environmental and Social Standards (ESS).

122. Overall, these frameworks are adequate for addressing E&S risks in the school sector. This is validated by relevant provisions and coverage in the frameworks. The frameworks have included, in detail, the following aspects related to E&S management:

- Assessment of potential E&S impacts and mitigation measures which delve into potential E&S risks and how they can be mitigated
- Review of the GoN's relevant policies and regulatory regimes and the World Bank's standards examining policy/regulatory provisions and highlighting critical regulatory and operational-level gaps
- Procedures for E&S assessment and management including the description of key steps in E&S assessments; key elements of the ESMP, IPDP, and VCDF; and incorporation of E&S issues in activity design and contract documents (The elements of and the requirements for the IPDP have been covered in detail in a separate chapter.)
- Institutional arrangement, implementation mechanism, and stakeholder consultation, which include key tasks and responsibilities of the MoEST, CEHRD, PCU, LGs, and schools
- Monitoring arrangements and requirements.

123. Further, the ESMF of 2021, to some extent, has been contextualized in alignment with the federal structure of governance. However, the ESMF was urgently revised in 2021 to include the COVID-19 measures and lacks detailed procedures/guidance in the context of the federal structure for E&S risk management. The roles and responsibilities of the local-level government for management and

monitoring of E&S issues needs to be further clarified in the ESMF. The DPs supporting the sector have their individual E&S requirements. Hence, harmonized ESF envisaged for the CEHRD will operate from the center and will fulfill the requirements of all DPs in a coherent manner. The CEHRD of the MoEST is the lead agency responsible for overall planning and implementation of the ESMF. It will work under close coordination with the LGs and the schools. The key E&S management tasks, detailed activities, and responsibilities that been envisaged are presented in Table 3.1:

Table 3.1: Key E&S Management Tasks, Detailed Activities, and Responsibilities

S. No.	Key E&S Tasks	Activities	Responsibilities
1	Overall ESMF planning and implementation	Training, orientation, consultations, and development of guidelines	MoEST, CEHRD/PCU, LGs, and schools
2	Subproject-level E&S screening, risk assessment, and categorization	Desk study, walkthrough meetings, and consultations	LGs and schools under the guidance of PCU/CEHRD
3	Preparation of subproject-level ESMPs, IPDP, VCDPs, and LMPs	Desk study, site visit, and consultations	LGs/school with support of PCU/CEHRD
4	Implementation of ESMPs and other E&S management plans	Mitigate and manage the environmental and social risks/impacts. Ensure benefits to the targeted groups.	LGs, EDCUs, schools, and contractor
5	Monitoring and reporting	Monitor the work progress regularly. Compile information and report the progress on regular basis.	CEHRD, EDCUs, and LGs' safeguards team

Source: ESMF, CEHRD.

124. The ESMF does not envisage any role for IAs of provincial governments while local-level responsibilities are largely limited to mandatory compliance required for the implementation of subprojects. Fulfillment of key E&S tasks and activities is impeded by inadequate institutional arrangements/capacity at the local level.

125. The commitment toward better safeguards planning and implementation has been further reinforced by the appointment of a dedicated safeguards focal person in the CEHRD. These initiatives were augmented by the rollout of an EMF and VCDF for the SSDP in 2017, which outlined the requirements of E&S screenings and key measures to be taken by targeted programs for addressing social issues and risks primarily including scholarships for girls, Dalits, and IP; scholarships for the poor and CwD; and special education for CwD. The frameworks also provided guidance related to training and orientation to stakeholders, including the implementation of environmental management, VCDPs, and GRM.

126. With school education severely affected by COVID-19-induced lockdowns and closures in the recent past, an acute need for appropriate response was required to give continuity to school education. Accordingly, a COVID-19 Response Plan was developed by the CEHRD to address E&S issues and risks related to exclusion, dropouts, discriminations, and disparities among children, particularly girls, poor children, CwD, and children from marginalized ethnic communities. Accordingly, this included risks related to SEA/SH and GBV including use of digital platforms as a means for cyber-related exploitation and harassment, especially targeting girl students, CwD, and other marginalized children. Measures were also considered to address prolonged closure of schools during COVID-19, which was also likely to increase dropout rates of girl students (mostly from poor and excluded groups). All of these initiatives, presented

in the previous two paragraphs, are good practices which need to be institutionalized at all three tiers of the school education sector.

127. The IAs' capacity, interagency coordination, and the likelihood that objectives of applicable E&S systems will be met is presented in Table 3.2.

Table 3.2: IAs' Capacity, Coordination, and Likelihood of Meeting E&S Objectives

Adequacy of Capacity (Policies, Human Resources, Budget, and Training)	Interagency Coordination	Likelihood That Objectives of Applicable E&S Systems Will Be Met
IA: MoEST		
Policies and plans and trained human resources and budget are in place to carry out the defined responsibilities under the applicable system particularly in terms of policy guidance and exercising oversight.	Is ideally placed in terms of mandates and human resources to ensure interagency coordination but is hampered by the lack of a Federal Education Act with clearly defined roles, responsibilities, and accountability of all the three tiers of governments including sectoral entities under their jurisdiction. This is urgently needed to do away with the confusion and anomalies in the roles, responsibilities, and accountability.	The likelihood that objectives of applicable E&S systems in the MoEST will be met is high.
IA: CEHRD		
Policies and plans and trained human resources and budget are in place to carry out the defined responsibilities under the applicable system particularly in terms of policy implementation, monitoring, and capacity development of human resources under its jurisdiction as well as providing guidelines and orientation on E&S safeguards and operation of EMIS to IAs at the provincial and local levels.	• Is ideally placed in terms mandates and human resources to ensure interagency coordination but is hampered by the lack of a Federal Education Act with clearly defined roles, responsibilities, and accountability of all the three tiers of governments including sectoral entities under their jurisdiction. This is urgently needed to do away with the confusion and anomalies in the roles, responsibilities, and accountability. • EDCU coordinates with LGs particularly in relation to teachers' transfers and placements.	The likelihood that objectives of applicable E&S systems in the CEHRD will be met is high.

Adequacy of Capacity (Policies, Human Resources, Budget, and Training)	Interagency Coordination	Likelihood That Objectives of Applicable E&S Systems Will Be Met
IA: Provincial government		
Lacks policies and acts and adequate human resources and budget to carry out the defined responsibilities under the applicable system particularly in terms of providing policy guidance and exercising oversight.	Barring implementations of programs using federal grants that require periodical reporting, coordination with federal entities is nominal. Similarly, except for the responsibility of fulfilling some specific functions in the education sector that require some coordination with LGs, provincial governments' cooperation with LGs is nominal particularly in relation to application and monitoring of E&S systems. Yet, the Provincial Education Directorate has the potential to play a significant role in the improvement and development of basic education (access, equity, quality, and so on). Informal coordination with LGs, depending on individuals, is mostly prevalent. The need for a formal coordination mechanism has been emphasized.	The likelihood that objectives of applicable E&S systems in the provincial government will be met is low.

Adequacy of Capacity (Policies, Human Resources, Budget, and Training)	Interagency Coordination	Likelihood That Objectives of Applicable E&S Systems Will Be Met
IA: LGs		
• Some LGs have formulated their own Education Act. • Lack policies, guidelines, and adequate human resources and budget to carry out the defined responsibilities under the applicable system particularly in terms of implementation and monitoring of safeguard measures in schools. • LGs have the technical human resources for identifying and managing E&S issues, but they are overburdened with multi-sectoral responsibilities and can only afford limited time toward E&S safeguards management in the education sector. • Mostly using the NBC for post-earthquake school construction. • Approach and procedures of EMF and SMF are not effectively applied in beneficiary institutions selected under the CEHRD program, but physical construction under conditional grants has to comply with the legal provisions of federal Environmental Protection Act and Rules (BES/IEE) requirements. • Has not institutionalized supervision and inspection of school education system including application of safeguard measures. • Has not designated a safeguards focal person.	• Barring implementations of programs using federal grants that require periodical reporting, coordination with federal entities is nominal. • There is coordination with EDCU particularly in relation to teachers' transfers and placements. • Interaction and coordination with provincial government and its entities is nominal. • Coordination is hampered by the lack of a Federal Education Act with clear definition of roles, responsibilities, and accountability of all the three tiers of governments and sectoral entities under their jurisdiction. This is urgently needed to do away with the confusion and anomalies. • Informal coordination with provincial governments, depending on individuals, is mostly prevalent. The need for a formal coordination mechanism has been emphasized.	The likelihood that objectives of applicable E&S systems in LGs will be met is medium.

Adequacy of Capacity (Policies, Human Resources, Budget, and Training)	Interagency Coordination	Likelihood That Objectives of Applicable E&S Systems Will Be Met
IA: School teachers, administration, SMCs/PTAs		
• Mostly unaware about EMF and SMF and safeguards requirements devised by CEHRD. • Comply with federal legal provisions stipulated in Environmental Protection Acts and Rules • Have formed GRM Committees or appointed focal person for dealing with grievances which are filed through complaint boxes or reported verbally to head teacher/teachers or GRM focal person. • Though the CEHRD issued a directive for the head teacher to be designated as the safeguard focal person in model schools, in general, this has not been applied effectively.	Coordination and interaction with LGs is regular. They are mostly related to (a) teachers' appointment, teachers' qualifications, placements, and transfers; (b) disputes between SMC and school administration; and (c) requests for school-based support.	The likelihood that objectives of applicable E&S systems in schools will be met is medium.

3.2 GRID Policies and Regulatory Regime

128. The GoN has incorporated the legal framework, policies, and action plans for the development of GRID society in Nepal. This is showcased through relevant provisions in the (a) Environment Protection Act (2019) and Regulation (2020), (b) National Climate Change Policy 2019 (BS 2076), (c) National Framework on Local Adaptation Plans of Action (NAPA, 2019), (d) Gender Equality and Social Inclusion (GESI) Strategy and Action Plan on Climate Change (2077–2087), (e) Guideline for Management and Planning of Climate Change in the Forestry and Environment Sectors (2077), and (f) the Climate Change Financing Framework (CCFF, 2017). The Ministry of Forest and Environment is the leading agency for policy guidance and oversight on GRID. While the climate change policies at the federal level were formulated by the Ministry of Forest and Environment, the CCFF was formulated by the Ministry of Finance. The CCFF is also expected to serve as a set of national guidelines that can be replicated at the provincial level by linking policy decisions to budget allocations and expenditure tracking in a more structured manner.

129. The Ministry of Forests and Environment, GoN, has prepared a Road Map to Strategic Engagement for participation in the 26th Conference of the Parties of the United Nations Framework Convention on Climate Change/Conference of Parties (UNFCCC/COP26). Nepal has identified four key areas of engagement as a part of effective participation in COP 26. They are (a) showcasing Nepal Climate Change Agenda in COP 26; (b) enhancing partnership and dialogues, leaving no one behind; (c) defining and strengthening Nepal's position for COP 26; and (d) ensuring strong representation in the UNFCCC/COP 26 negotiation process.

130. The GoN and DPs have endorsed the landmark 'Kathmandu Declaration' on September 23, 2021, to develop a strategic action plan for Nepal toward GRID. The GRID Strategic Action Plan will coordinate international and domestic financing for priority investments in Nepal's recovery from the crisis caused by the COVID-19 pandemic.

3.3 Application of GRID in the School Sector

131. According to SIDA carried out by the Central-Level Project Implementation Unit (CLPIU) - Education in 14 earthquake-affected districts, 50 percent of school buildings were structurally vulnerable, and 20 percent had completely collapsed. To address this, a separate GRID Strategic Action Plan was formulated for the school sector, which emphasized the construction of climate-resilient schools. Accordingly, CLPIU - Education, responsible for reconstruction/retrofitting of earthquake-damaged schools, prepared a Construction Design Guideline for application in school construction. The National Reconstruction Authority's publication (2078 BS) had recorded that 7,553 schools had suffered physical damages, with 49,951 classroom damages due to the devastating earthquake in 2015, which were reconstructed and retrofitted. The status of school reconstruction is available in Table 3.3.

Table 3.3: Status of School Reconstruction

Status	SMC	Contractor	NGO	Total
Constructed	5,054	563	720	6,337
Under construction	998	175	43	1,216
Total	**6,052**	**738**	**763**	**7,553**

Source: CLPIU - Education, last updated: October 3,2022.

132. The Guidelines for Developing Types of Designs for School Building in Nepal has been prepared (with ADB's TA support) which was intended to be the official guideline of the then Department of Education for the planning and design of new schools. Integrated Disaster Resilience and E&S and Climate-Smart Design were key considerations among the nine types of design incorporated in the guideline.[17] The guideline focuses on E&S aspects of school building construction by integrating E&S in different steps of the design and construction, which includes soil and environment conservation, water conservation, rainwater harvesting and recycling, energy conservation, land use planning/hazard mapping, and waste disposal. This guideline is also applicable as reference material to the schools. Despite these affirmative initiatives, implementation is hampered by inadequate E&S compliance monitoring capacity and low availability of environmental experts in the sectoral IAs.

3.4 Climate/Disaster-Related Issues

133. Climate/disaster-related issues in the school sector were initiated by the SSDP (FY2016/2017–FY2022/2023), which is a long-term strategic plan of the MoEST supported by nine Joint Financing Partners (JFPs) and several non-joint financing DPs using the SWAp. The SSDP supports the Model School Program which was launched in FY2016–2017 to continue until FY2022–2023. The SSDP aims to make all community schools safe and accessible from the E&S safeguards perspective. Under the SSDP, the GoN has been constructing/retrofitting several schools of Nepal with specific safeguards considerations. Up to December 2021, the SSDP had supported 422 model schools' physical programs (Environmental and Social

[17] Guidelines for Developing Types of Designs for School Building in Nepal, April 2016.

Compliance Annual Report, MoEST/CEHRD). The budget for physical construction work comprised approximately NPR 10–15 million per year for each model school.

134. For FY 2020-2021 detailed designing was undertaken for 100 model schools, and in addition to these model schools, 150 schools were selected for retrofitting. While implementing the model school-approved activities, the relevant LGs were required to ensure that all model schools were earthquake-resistant, disability-friendly, and child-friendly; promoted gender equity; and were environmentally sound as stipulated in the Nepal NBC 2060 while E&S aspects had to be considered in line with the CEHRD's safeguards frameworks. The mitigation measures required to be applied are presented in Box 3.1.

Box 3.1: Mitigation Measures to be Applied

- Follow the guidelines prescribed in the School Construction Procedures Resource Book developed by the CEHRD with the support of the SSDP-TA. The resource book (Nepali version) outlines the procedures for construction of school buildings from the planning to the completion stage.
- Follow the guideline outlined in the Safeguard Resource Book (Nepali version) prepared by the CEHRD with the support of the SSDP-TA. The Safeguard Resource Book outlines procedures for safeguards implementation including the selection process, inclusion of safeguards-related measures in detailed design, and implementation. The Safeguard Resource Book is intended to help concerned authorities carry out safeguards assessment, monitoring, and reporting. The standard format of screening, ESMP, and monitoring have been included in the book.
- Incorporation of safeguards provision in the detailed design and contract documents. For FY2019–2020 and FY2020-2021, safeguards provisions are reflected in the master plans for the 200 model schools.
- Provide orientations to the SMC and the Education, Youth, and Sports Unit of municipalities for carrying out safeguarding assessment and including mitigation costs in the detailed project reports.

4. ASSESSMENT OF BORROWER SYSTEMS RELATIVE TO THE PROGRAM PRINCIPLES

135. This section examines/assesses the IA's applicable systems in terms of (a) coherence/consistency with World Bank policy, PforR Financing (Policy), and the Bank Directive: PforR Financing (Directive) and ADB's safeguard requirements; (b) significance of gaps; and (c) willingness and capacity of the IA to undertake measures to improve E&S system performance in key areas.

136. The MoEST EMF and SMF require the preparation, adoption, and implementation of ESMPs or other instruments for the respective program activities based on the assessment considering E&S systems and management, health-related safeguards including the relevant World Health Organization guidelines on COVID-19 and Framework for Reopening School (United Nations Children's Fund/World Bank), COVID-19 Education Cluster Sector Contingency Plan 2020 in a manner acceptable to the World Bank.

137. While no significant negative impacts on the environment or society are envisaged, some environmental impacts emerging from construction-related activities are expected. These are minimal in scale, with most adverse impacts limited to the construction phase and being site-specific and temporary. Given that there will be no land acquisition for the implementation of Program-related activities, social impacts are minimal. The Program's positive social impact outweighs the adverse impacts. The applicability of core environmental and social principles to the SSTP by DLIs is presented in Table 4.1.

Table 4.1: Applicability of Core E&S Principles to SSTP by DLIs

CP 1: Environment	CP 2: Natural Habitats	CP 3: Worker Health and Safety	CP 4: Land Acquisition	CP 5: Vulnerable Groups	CP 6: Social Conflict
DLI 1: Ensuring minimum enabling conditions (MEC) in ECED centers. This sub-results area will focus on ensuring the minimum enabling conditions in the ECED centers, including (a) qualified ECED teacher (with secondary education and 90 hours of practical training); (b) child friendly tap (for easy access to drinking water); (c) toilet (with soap and water); (d) child friendly seating arrangement (preventing children from dirt and cold); and (e) six learning areas					
Applicable as upgrading or construction of WASH facility may be required in some ECED centers.	**Applicable** as upgrading or construction of WASH facility may be required in some ECED centers.	**Applicable** as all measures required for workers' health and safety during upgrading or constructing of WASH facility will be adhered to.	**Not applicable** as there are no new physical works supported by the Program under this DLI.	**Applicable.** The program will measure the number of vulnerable children with access to learning materials (textbooks, homework book, and so on) and progress.	**Applicable.** The program will measure the number of vulnerable children with access to learning materials.
DLI 2: Strengthened implementation of grades 1-3 curriculum. Strengthening the foundational skills in reading and numeracy through the implementation of the integrated curriculum for grades 1–3, teacher training, development of teaching and learning materials, and student assessments.					
Not applicable as there are no physical works supported by the Program under this DLI.	**Not applicable** as there are no physical works supported by the Program this under DLI. Activities under this DLI will not change the existing ESSA processes that assess impacts on natural habitats.	**Not applicable** as there are no physical works supported by the Program under this DLI.	**Not applicable** as there are no physical works supported by the Program under this DLI.	**Applicable.** The program will measure the number of vulnerable children with access to learning materials (textbooks, homework book, and so on) and progress.	**Applicable.** The program will measure the number of vulnerable children with access to learning materials.
DLI 3: Strengthened support to teachers. Support will be provided for the design and implementation of in-service training for basic and secondary teachers which imparts practical skills required in the classroom					
Applicable as teachers will be also trained on integrated curriculum and the green school initiative which includes climate change preparedness/emergency response of teachers and evacuation protocols.	**Applicable** as teachers will be also trained on integrated curriculum and the green school initiative which includes climate change preparedness/eme	**Not applicable** as there are no physical works supported by the Program under this DLI.	**Not applicable** as there are no physical works supported by the Program under this DLI.	**Applicable.** The program will measure the number of vulnerable children with access to learning materials (textbooks,	**Applicable.** The program will measure the number of vulnerable children with access to learning materials.

CP 1: Environment	CP 2: Natural Habitats	CP 3: Worker Health and Safety	CP 4: Land Acquisition	CP 5: Vulnerable Groups	CP 6: Social Conflict
	rgency response of teachers and evacuation protocols.			homework book, and so on) and progress in learning.	
DLI 4: Improved assessments and examination system. Specific focus will be placed on integrating climate-related topics to raise awareness to reduce adverse environmental footprints, promote eco-literacy, and enhance climate literacy. Under this sub-results area, the capacity of the ERO to conduct standardized assessments at grades 3, 5, 8, and 10 ; analyze assessment data; and report actionable findings will be further developed.					
Applicable. The Program will accord special focus on integrating climate-related topics to raise awareness to reduce adverse environmental footprints, promote eco-literacy, and enhance climate literacy.	**Applicable.** The Program will accord special focus on integrating climate-related topics to raise awareness to reduce adverse environmental footprints, promote eco-literacy, and enhance climate literacy.	**Not applicable** as there are no physical works supported by the Program under this DLI.	**Not applicable.** as there are no physical works supported by the Program under this DLI.	**Applicable.** The Program will measure the number of vulnerable children with access to learning materials (textbooks, homework book, and so on) and progress in learning.	**Not applicable** as there are no physical works supported by the Program under this DLI.
DLI 5: Improved equity and inclusion (Pro-poor-targeted scholarships)					
Not applicable as there are no physical works supported by the Program under this DLI.	**Not applicable** as there are no physical works supported by the Program under this DLI. Activities under this DLI will not change the existing Environmental and Social Impact Assessment processes that assess impacts on natural habitats.	**Not applicable** as there are no physical works supported by the Program under this DLI.	**Not applicable** as there are no physical works supported by the Program under this DLI.	**Applicable.** The program will measure the number of vulnerable children with access to scholarship.	**Applicable.** The program will measure the number of vulnerable children from targeted groups with access to scholarship. The program will ensure that scholarship is provided only to children of targeted

CP 1: Environment	CP 2: Natural Habitats	CP 3: Worker Health and Safety	CP 4: Land Acquisition	CP 5: Vulnerable Groups	CP 6: Social Conflict
					groups so as to avoid social conflicts.
DLI 6: construction of green and resilient classrooms. Construction of green and resilient classrooms will be supported under the SSTP to reduce the risks from climate change and natural disasters, including earthquakes.					
Applicable as construction of physical works supported by the Program will be green and resilient to reduce the risks from climate change and natural disasters, including earthquakes.	**Applicable** as construction of physical works supported by the Program will maintain/improve green, environmentally sustainable, and resilient physical structures to reduce the risks from climate change and natural disasters, including earthquakes.	**Applicable** as all measures required for workers' health and safety during construction of physical facilities will be adhered to.	**Not applicable** as there will be no land acquisition for the construction of physical facilities.	**Applicable** as all students, including vulnerable groups, will be protected by safeguards measures applied in the construction of green and resilient physical facilities.	**Not applicable**
DLI 7: Strengthened Governance and system resilience. The criteria for conditional grants would be reviewed and revised. A performance-based grant element will be introduced under the conditional grants to incentivize LGs to achieve results including, development and implementation of local level education sector plan, timely reporting on physical and financial progress, and increased local budget allocation to the education sector					
Applicable as performance-based grants will also pertain to application and compliance environment safeguards measures.	**Applicable** as performance-based grants will also pertain to application and compliance environment safeguards measures.	**Applicable** as performance-based grants will also pertain to application and compliance E&S safeguards measures.	**Not applicable**	**Applicable** as evidence-based planning, budgeting, financial management, prioritization, and reporting are likely to benefit vulnerable groups.	**Not Applicable**
DLI 7: Strengthened governance and system resilience. Support the establishment of the ICT data center and the development of digital teaching and learning materials.					
Applicable due to ICT-related e-waste generation, final storage of lead batteries used for backup power supply, and management issues.	**Not applicable**	**Not applicable**	**Not applicable**	**Applicable.** The program will measure the number of vulnerable children with access to	**Applicable.** The program will measure the number of

CP 1: Environment	CP 2: Natural Habitats	CP 3: Worker Health and Safety	CP 4: Land Acquisition	CP 5: Vulnerable Groups	CP 6: Social Conflict
				learning materials.	vulnerable children with access to learning materials.
IPF Component (provision of short-term and long-term advisors and consultants, consulting firms, and non-consulting agencies to support and strengthen the capacity of the SSTP implementation).					
Applicable for integrating the environmental and social tools into ToR documents and other program supporting activities.	**Not applicable**	**Not applicable**	**Not applicable**	**Not applicable**	**Not applicable**

138. Based on the assessment and stakeholder consultations, the ESSA determined that the following three of the six CPs apply to the Program:

139. **CP # 1: Promote environmental and social sustainability in the Program design; avoid, minimize, or mitigate adverse impacts; and promote informed decision-making relating to the Program's environmental and social impacts.** The EMF and SMF of the MoEST are in line with World Bank's Core Safeguard Principles and ADB's SPS (2009) requirements. The regulatory and policy frameworks for E&S safeguards are robust for avoiding, minimizing, or mitigating adverse E&S impacts and promoting informed decision-making at the federal level. This is less evident at the provincial and local levels where weak capacity has been an impediment for effective implementation of environmental and social safeguard requirements. Though all the seven provincial governments have, recently, developed their Environment Protection Acts, regulatory and policy frameworks for E&S safeguards have not yet been adequately developed and applied across the education sector.

140. The EMF and SMF applied earlier during the SSRP implementation have been revised and updated during the implementation of the SSDP. Construction works in model schools, funded under the SSDP as conditional grants, have to comply with safeguards requirements in line with the EMF of the MoEST. The requirements of the NBC are also followed by municipalities during school construction. Understandably, SMCs' role in monitoring compliance of environmental safeguards in physical construction work is limited. Given the lack of relevant technical skill and know-how, it will not be practical for SMCs to monitor compliance of environmental safeguards from a technical perspective. Across all the schools visited by the ESSA team, SMC members, including head teachers, were largely unaware about environment/social safeguards requirements and the VCDP implementation. Yet, additional incentives (such as waiver/rebate of examination fees and additional special classes) to ultra-poor students from VCs were applied in some of the schools visited. Tree plantation, proper effluent disposal, and maintenance of cleanliness of school premises were a priority in all model schools visited by the ESSA team.

141. **CP # 3: Protect public and worker safety against the potential risks associated with (a) construction and/or operations of facilities or other operational practices under the Program; (b) exposure to toxic chemicals, hazardous wastes, and other dangerous materials under the Program; and (c) reconstruction or rehabilitation of infrastructure located in areas prone to natural hazards.** The ESMF of the MoEST requires the bidding document to include LMP which details the type of workers likely to be

deployed, provisions for OHS, labor camp management, associated labor risks (including GBV) and relevant mitigation measures, child labor/forced labor, and a labor GRM. LMP requirements need to be incorporated into the bidding documents and contractual agreements. Besides, the GoN has issued guidelines/regulations on public and worker safety such as regulations on the use of explosives, provision of barricades at construction sites, use of personal protection gear by workers, disposal of construction debris and wastewater, and prevention of conditions conducive to disease vectors. At the federal level, legal and regulatory systems are in place for safeguarding ecologically significant areas from pollution, which also encompasses the disposal of toxic chemical and hazardous wastes. The Program will use appropriate measures for the management of hazardous wastes and other wastes generated in the schools supported.

142. **CP # 5: Give due consideration to the cultural appropriateness of, and equitable access to Program benefits, giving special attention to the rights and interests of the IP and to the needs or concerns of vulnerable groups.** In recent times, political commitment toward GESI has led to integration of GESI into the GoN system. This is evident in terms of the high priority accorded to GESI integration in the GoN's policy and regulatory regimes. Special legal/regulatory provisions are in place for safeguarding the interest/concerns of IP and vulnerable children, including CwD, which is amply reflected in the ESMF of the MoEST. An Indigenous People Management Framework (IPMF) has been built into the MoEST's ESMF to (a) ensure inclusion of targeted communities in the consultation process of the Program; (b) avoid, minimize, and mitigate any potential adverse impacts on indigenous and vulnerable communities; and (c) ensure vulnerable peoples' participation in the process of planning, implementation, and monitoring of the subprogram facilities. Further, the country's safeguard system in the education sector has also been applying the VCDF, developed in July 2011, for over a decade. The VCDF has similar provisions as the IPDP in relation to VCs. The IPDP and the VCDF are in line with the broader legal and policy frameworks of the GoN as well as the World Bank (ESS7).

143. The EMF and SMF envisage carrying out an E&S screening, right at the early planning phase of the Program. The environmental screening determines the magnitude of impacts on the environment. The social screening determines the impact on indigenous and vulnerable groups particularly in terms of (a) affected students living in the impact area, including students from vulnerable/indigenous groups; (b) risks of exclusion from learning for various reasons; (c) risks related to early/child marriage, forced labor, and SEA/SH; (d) cultural and communal issues affecting the children adversely; and (e) overall impacts on health, livelihood, and social security. This informs the program for the incorporation of special measures to promote the rights/interests of IP and the needs/concerns of vulnerable people in the school education sector. Standards need to be applied to ensure that the planned teaching-learning facilities are accessed by the children of marginalized communities and IP. These safeguard measures are relevant given the possibilities of exclusion of children of these communities from the benefits of targeted interventions for one or more reasons.

ADB Safeguards Policy Statement 2009

144. Upon review of relevant GoN policies, implementation practices, and ADB's SPS (2009) and considering the activities and potential impacts that may be associated with proposed support to the SSTP, the ESSA finds the following ADB SPS policy principles to be triggered.

Table 4.2: Safeguard Policy Principles Triggered

Principles	Remarks
Environment	

Principles	Remarks
Principle 1. Use a screening process for each proposed project, as early as possible, to determine the appropriate extent and type of environmental assessment so that adequate studies are undertaken commensurate with the significance of potential impacts and risks.	The EMF for the school sector includes procedures, guidelines, and standards for school physical infrastructure related to screening and preparation of a simple environmental management and mitigation plan. The EMF seeks to ensure environmentally friendly design and construction of school facilities and other educational infrastructure within the regulations of the GoN. The program will strengthen the effective use of agreed policies and standards such as the National Environmental Guidelines for School Improvement and Facility Management in Nepal. At the school level, the EMF is considered in preparing the SIP to include E&S issues in the planning, designing, and construction of education buildings. The requirement for environmental management plan (EMP) for the construction of schools will be incorporated into contract documents for construction. The EMP will include at least the proposed mitigation measures, environmental monitoring and reporting requirements, institutional or organizational arrangements, implementation schedule, indicative budget, capacity development and training measures, and performance indicators. The monitoring of compliance will be undertaken by SMCs and LGs. According to the EMF, screening and ESMP preparation involve a consultation process with the affected stakeholders, households, and communities. The principles in the CEHRD's resource book outline GRM in the schools as well as regular consultations and monitoring of safeguards compliance. The CEHRD developed a working procedure 'Grievance Redress Procedure 2074' (further revised in 2020) for speedy and transparent redress/management of grievances without retribution to the affected person or student.
Principle 2. Conduct an environmental assessment for each proposed project.	
Principle 4. Prepare an EMP that includes the mitigation measures, environmental monitoring, capacity development, and reporting requirements.	
Principle 5. Carry out meaningful consultation with stakeholders and facilitate their informed participation. Establish a GRM to receive and facilitate resolution of the affected people's concerns and grievances regarding the project's environmental performance.	
Principle 3. Examine project alternative, design, technology, and components and their potential and social impacts.	The expected construction activities are small in scale and do not require elaborate measures to mitigate impacts. However, alternatives in terms of type of materials and technology will be explored (that is, non-asbestos containing materials, and so on). Materials included in ADB's Prohibited Investment Activities List will not be used.
Principle 6. Disclose Draft Environmental Assessment (including EMP) in a timely manner before project appraisal in an appropriate public website and in a form and language understandable to affected people and other stakeholders. Disclose the final environmental assessment and its updates, if any, to affected people and other stakeholders.	The EMF of the CEHRD requires the incorporation of EMP in the contract documents for the construction of schools. However, in practice, this is yet to be implemented by LGs. Final environmental assessment is not done by LGs.

Principles	Remarks
Principle 7. Implement EMP and monitor its effectiveness. Document monitoring results, including the development and implementation of corrective actions, and disclose monitoring reports.	The implementation of EMP is a requirement stipulated in the EMP. However, this is yet to be practiced by LGs.
Principle 9. Apply pollution prevention and control technologies and practice consistent with international good practices as reflected in internationally recognized standards such as World Bank Group's Environmental, Health and Safety Guideline. Avoid use of hazardous materials that are internationally banned or phased out.	The EMF is linked with national environmental laws and regulations and has detailed guidelines for good environment management practices and environment-friendly materials. However, asbestos ban is not covered in the EMF. The implementation of EMPs during construction will address impacts related to soil, water, air, noise, human health, and safety.
Principle 10. Provide workers with safe and healthy working environment to prevent accidents, injuries, and disease. Establish preventive, emergency preparedness, and response measures to avoid and where avoidance is not possible to minimize adverse impacts and risks to health and safety for each school.	Construction activities may generate solid waste, dust, noise, and wastewater which should be reduced, managed, and disposed appropriately. It may also result in injuries to workers. Contractors will be required to strictly observe construction health and safety requirements.
Principle 8. Do not implement project in critical habitats.	**These policy principles are not triggered.** Anticipated construction will be within existing school premises owned by the government. Construction activities are required to comply with the EMF which is in line with the Building Code and National Environmental Assessment Guidelines. Any activity in critical habitat will be excluded, and no damage to physical and cultural resources will be allowed.
Principle 11. Conserve physical cultural resources and avoid destroying or damaging them by using field-based surveys that employ qualified and experienced experts during environmental assessment.	
Involuntary Resettlement	
Principle 1. Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks.	This involuntary resettlement (IR) policy principle is not triggered. No IR impacts under the program since minor civil works will be within the existing school premises. Impacts for both permanent and temporary IR impacts will be assessed. Program activities will be screened for the IR impacts.
Principle 2. Carry out meaningful consultations with affected persons, host communities, and concerned NGOs.	This IR policy principle is not triggered.
Principle 3. Improve, or at least restore, the livelihoods of all displaced persons with needed assistance.	This IR policy principle is not triggered.
Principle 4. Provide physically and economically displaced persons with needed assistance.	This IR policy principle is not triggered.
Principle 5. Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas, provide them with legal and affordable access to land and resources, and in urban areas, provide them with appropriate income sources and legal and affordable access to adequate housing.	This IR policy principle is not triggered.

Principles	Remarks
Principle 6. Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter negotiated settlements will maintain the same or better income and livelihood status.	This IR policy principle is not triggered. Any additional requirement for land will be met through negotiated settlement and voluntary donation. Updated guidelines following the requirement of ADB SPS Safeguards Requirements 2: Involuntary Resettlement for negotiated settlement and best practices on land donation processes based on the SSDP implementation will be established. The Program will ensure that failure of negotiation will not result in acquisition under eminent domain.
Principle 7. Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.	This IR policy principle is not triggered.
Principle 8. Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.	This IR policy principle is not triggered.
Principle 9. Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders.	This IR policy principle is not triggered.
Principle 10. Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits.	This IR policy principle is not triggered.
Principle 11. Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.	This IR policy principle is not triggered.
Principle 12. Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by considering the baseline conditions and the results of resettlement monitoring.	This IR policy principle is not triggered.
IP	
Principle 1. Screen early on to determine (a) whether IP are present in, or have collective attachment to, the project area and (b) whether project impacts on IP are likely.	Positive impacts are expected on the IP due to affirmative actions of the program, which will increase participation and enhance learning of the IP children and youth. Negative impacts on IP are not expected.

Principles	Remarks
Principle 2. Undertake a culturally appropriate and gender-sensitive social impact assessment or use similar methods to assess potential project impacts, both positive and adverse, on IP. Give full consideration to options the affected IP prefer in relation to the provision of project benefits and the design of mitigation measures.	An IP safeguards screening checklist has been developed that will screen the Program activities and any activity with negative impacts will either be avoided or adequate measures will be implemented to address negative impacts. The Program activities will exclude activities that adversely affect the dignity, human rights, livelihood systems, or culture of IP or affect the territories or natural or cultural resources that IP own, use, occupy, or claim as ancestral domain or an asset. An SMF was also developed for the SSDP in 2017, which will be updated to reflect safeguards management in the new federal context including the IR and IP safeguards impacts. The SMF sets out procedures, guidelines, and standards related to screening of activities and preparation of simple social management and mitigation plan.
Principle 3. Undertake meaningful consultations with affected IP communities and concerned IP organizations to solicit their participation.	The social inclusion policies of the GoN incorporate consultation with IP communities. The consultations are carried out in the dialects understood by the IP communities. Consultations have been carried out through NGOs and Indigenous People's Organizations while designing the program and the consultative process will continue during the implementation of SSTP to ensure that IP will receive culturally appropriate education benefits and can actively participate in the program activities.
Principle 4. Ascertain the consent of affected IP communities to the following project activities: (a) commercial development of the cultural resources and knowledge of IP; (b) physical displacement from traditional or customary lands; and (c) commercial development of natural resources within customary lands under use that would affect the livelihoods or the cultural, ceremonial, and spiritual uses that define the identity and community.	This IP policy principle is not triggered.
Principle 5. Avoid, to the maximum extent possible, any restricted access to and physical displacement from protected areas and natural resources. Where avoidance is not possible, ensure that the affected IP communities participate in the design, implementation, and monitoring and evaluation of management arrangements for such areas and natural resources and their benefits are equitably shared.	This IP policy principle is not triggered.
Principle 6. Prepare an Indigenous People's Plan (IPP) that is based on the social impact assessment with the assistance of qualified and experienced experts that draws on indigenous knowledge and participation by the affected IP communities.	This IP policy principle is not triggered. No negative impact on IP is expected. A separate IPP is not required because actions for IP are already integrated into the Program. Instead, an Indigenous Peoples Planning Framework (IPPF) was prepared as a guide.

Principles	Remarks
Principle 7. Disclose a draft IPP, including documentation of the consultation process and the results of the social impact assessment in a timely manner.	The IPPF will be updated and discussed with the government and the JFPs and will be disclosed on ADB and EA's websites.
Principle 8. Prepare an action plan for legal recognition of customary rights to lands and territories or ancestral domains when the project involves (a) activities that are contingent on establishing legally recognized rights to lands and territories that IP have traditionally owned or customarily used or occupied or (b) involuntary acquisition of such lands.	This IP policy principle is not triggered.
Principle 9. Monitor implementation of the IPP using qualified and experienced experts; adopt a participatory monitoring approach, wherever feasible; and assess whether the IPP's objective and desired outcome have been achieved.	This IP policy principle is not triggered.

Gaps and Challenges

145. The implementation of policies and regulatory regimes faces major challenges across the sector at the provincial/local level due to the following:

- The internalization of education units in provincial and municipal education offices and schools (including model schools) on the significance of E&S safeguards is low.
- Regulatory and policy frameworks for E&S safeguards have not yet been adequately applied across the education sector.
- The institutional arrangement for implementation, management, and monitoring compliance of E&S safeguards is inadequate or nonexistent at the provincial and local levels.
- There is severe shortage of dedicated human resources at the federal level especially at Education Offices at the provincial/local level mainly due to nonfulfillment of positions in line with organizational human resource structure.
- Capacity for effective implementation and monitoring of E&S safeguard requirements is weak.
- Some marginalized and vulnerable groups still face the risk of being excluded from school education due to social, economic, cultural, and geographical barriers. Ensuring continued access of children from remote locations and extreme poverty groups, with disability, and with language barrier to non-interrupted quality education is challenging.
- There is also the risk of likely exclusion of children, particularly girls and CwD from vulnerable indigenous communities, from the Program's teaching-learning mechanisms. Besides, factors such as remote locations, language barriers, and extreme poverty could further exacerbate exclusion.

Opportunities

146. There exist ample opportunities for the SSTP to support (a) the development, rollout, and implementation of E&S risk management policies, rules, and procedures at the provincial/local levels; (b) further strengthening of the system for implementation, management, and compliance of E&S safeguards; (c) capacity development of human resources in key sector organizations at the provincial/local level for effective implementations and monitoring of E&S safeguards measure; (d) enhancing of transparency in vertical and horizontal flow of safeguards-related information across the three tiers of governance and, importantly, to the target groups; and (e) development/implementation of culturally appropriate contents/curriculums and languages for teaching the children of IP/VC groups.

5. ACTION PLAN TO ENHANCE ENVIRONMENTAL AND SOCIAL MANAGEMENT CAPACITY/PERFORMANCE

147. Based on the foregone assessment and findings, this section outlines key findings and recommended actions for improving the E&S management system required for mitigating and/or minimizing the risks and gaps/challenges during the planning and implementation stages of the Program. These options for improvement of the E&S management system were further discussed during the ESSA validation workshop with the stakeholders participating in the Program. The key gaps/challenges that require immediate actions are presented in Table 5.1.

Box 5.1: Key Gaps and Challenges Requiring Immediate Actions

A. Institutional Arrangement

- The provincial and local governments lack adequate policies/safeguards and systems for the management of environmental or social risks for subprojects. The SSDP has developed program-specific systems to support the management of E&S impacts. This presents an opportunity to build on the existing program-specific E&S systems at the federal, provincial, and local levels and adopt good practices and lessons learned. The provincial and local governments do not have E&S safeguards management systems in place for the management of the E&S risks and impacts. No specific department or unit is charged with the role of supervising and ensuring compliance and enforcement within their jurisdiction.
- A dedicated unit or focal person has not been designated at the local level. However, mere designation of a focal person is unlikely to solve the problem unless they are provided a clear ToR making them accountable and a line budget to fulfill their responsibility.
- Effective mechanisms are lacking for coordination between federal, provincial, and local government line agencies for managing the implementation of E&S safeguard measures.

B. Harmonization of ESMF

- The ESMF of 2021 was contextualized in alignment with the federal structure of governance. However, this ESMF was urgently revised in 2021 to include the COVID-19 measures and lacks detailed procedures/guidance in the context of the federal structure for E&S risk management. The roles and responsibilities of the local-level government for management and monitoring of E&S issues need clarity in the ESMF. The DPs supporting the sector have their individual E&S requirements. Hence, a harmonized ESF envisaged for the CEHRD will operate from the center and will fulfill the requirements of all DPs in a coherent manner.

C. Knowledge and Capacity

- The level of awareness on E&S safeguards approaches and procedures applicable to program activities at the local level is low.

- The capacity (human and financial resources) at the federal level and particularly in the provincial and local governments and supporting institutions (Education Division of Provincial Ministry of Social Development and Provincial Human Resources Development Centers along with Education Section and the Infrastructure Planning Section of LGs) responsible for managing E&S risks needs strengthening in terms of knowledge/skill and financial resources. The Program's implementing units at the provincial and local levels do not have E&S specialists for overall supervision of E&S risks. The implementing units (at the provincial and local levels) will need to be trained to strengthen the management of potential E&S risks along with a framework for monitoring.
- Owing to a lack of resources and capacity, the GRM is yet to be fully functional and systematically managed at the provincial and local levels. The existing GRM also needs to be upgraded to address GBV and SEA/SH-related issues along with an e-mechanism for confidential reporting.

D. Monitoring Compliance

- The federal government has well-developed, robust legislation, regulations, and systems to manage E&S risks. Supervision/monitoring and enforcement at the provincial and local levels need to be strengthened to address the potential environmental challenges that might be encountered during the implementation of the SSTP. E&S performance/compliance monitoring and verification audit procedures for meeting minimum conditions related to E&S safeguards at all levels of governments are inadequate.
- The federal, provincial, and local governments lack adequate budget for E&S management including for monitoring safeguards measures.

148. The proposed action and implementation plan to enhance E&S management performance and capacity are presented in Table 5.1.

Table 5.1: Proposed Action and Implementation Plan

Action Description	Source	Responsibility	Timing		Completion Measurement	Comments
The existing EMF and SMF to be consolidated and harmonized as one document—ESMF, reflecting safeguard requirements from all JFPs. ESMF to be summarized in Nepali, endorsed by MoEST and made readily adaptable and usable by subnational governments.	Environmental and Social Systems	CEHRD/MoEST	Due Date	March 1, 2023	Approved and endorsed ESMF, including translation summary in Nepali. made readily adaptable and usable by provincial and local governments	

Action Description	Source	Responsibility	Timing		Completion Measurement	Comments
Committee, with representation from planning and infrastructure unit, social development division, and education unit of the LGs, formed at LG level for E&S risk management of the Program.	Environmental and Social Systems	MoEST/CEHRD/MoFAGA/LGs	Due Date	March 1, 2023	A committee formed. The activities of the committee and cost of E&S mitigation plans in subprojects should be covered by the budget allocated for the education activities to LGs.	
Enhance the existing GRM to make it more systematic and digitized, including management of SEA/SH and VAC-related grievances and develop referral mechanism with service providers	Environmental and Social Systems	MoEST/CEHRD/LGs	Recurrent	Yearly	(a) GRM guideline strengthened and disseminated: March 1, 2023 (b) Implementation progress monitoring and reporting annually: September 30 (before JRM)	

APPENDICES

Appendix 1: Environmental and Social Management Principles and Attributes

Core Principle	Key Attributes
General Principle of Assessment and Management	
E&S management procedures and processes are designed to (a) avoid, minimize, or mitigate against adverse impacts; (b) promote E&S sustainability in program design; and (c) promote informed decision-making relating to a program's E&S effects.	Whether for design of new programs or program activities, or for support to existing programs or activities, the World Bank will confirm that, as relevant, program procedures (a) Are backed by an adequate legal framework and regulatory authority to guide E&S impact assessments *at the programmatic level* and (b) Incorporate recognized elements of E&S assessment good practice, including (i) early screening of potential effects; (ii) consideration of strategic, technical, and site alternatives (including the *no action* alternative); (iii) explicit assessment of potential induced, cumulative, and trans-boundary impacts; (iv) identification of measures to mitigate adverse environmental or social impacts that cannot be otherwise avoided or minimized; (v) clear articulation of institutional responsibilities and resources to support implementation of plans; (vi) responsiveness and accountability through stakeholder consultation, timely dissemination of program information, and responsive grievance redress measures.
Environmental Considerations (as relevant)	
Environmental management procedures and processes are designed to avoid, minimize, and mitigate against adverse effects on natural habitats and physical cultural resources resulting from program activities or investments.	(a) Program planning and implementation includes appropriate measures for early identification and screening of potentially important biodiversity and cultural resource areas. (b) Program avoids the significant conversion or destruction of natural habitats, and where not technically feasible, the program includes measures to mitigate or offset impacts or program activities. (c) Where appropriate, it supports and promotes the proactive protection, conservation, maintenance, and rehabilitation of natural habitats. (d) Program planning and implementation considers potential adverse effects on physical cultural property and, as warranted, includes adequate measures to avoid, minimize, or mitigate such effects.
Environmental management procedures and processes are designed to protect public and worker safety against the potential risks associated with (a) construction and/or operations of facilities or other operational practices developed or promoted under the program; (b) exposure to toxic chemicals, hazardous wastes, and otherwise dangerous materials; (c) reconstruction or rehabilitation of infrastructure located in areas prone to natural hazards.	(a) Promotes community, individual, and worker safety through the safe design, construction, operation, and maintenance of physical infrastructure or in carrying out activities that may be dependent on such infrastructure with safety measures, inspections, or remedial works incorporated as needed. (b) Promotes use of recognized good practice in the production, management, storage, transport, and disposal of hazardous materials generated through program construction or operations and promote use of integrated pest management practices to manage or reduce pests or disease vectors and provides training for workers involved in the production, procurement, storage, transport, use, and disposal of hazardous chemicals in accordance with international guidelines and conventions. (c) Includes measures to avoid, minimize, or mitigate community, individual, and worker risks when program activities are located within areas prone to natural hazards such as floods, hurricanes, earthquakes, or other severe weather or climate events.

Core Principle	Key Attributes
Social Considerations (as relevant)	
Due consideration is given to cultural appropriateness of, and equitable access to, program benefits, with special emphasis provided to rights and interests of IP, as well as the needs or concerns of vulnerable groups.	(a) Free, prior, and informed consultations are undertaken if IP are potentially affected (positively or negatively), to determine whether there is broad community support for program activities. Ensure that IP can participate in devising opportunities to benefit from exploitation of customary resources or indigenous knowledge, the latter to include the consent of the IP. (b) Program planning and implementation include attention to groups vulnerable to hardship or disadvantage, including as relevant the poor, the disabled, women and children, the elderly, or marginalized ethnic groups. If necessary, special measures are taken to promote equitable access to program benefits.
Avoid creating or exacerbating social conflict, especially in fragile states, post conflict areas, or areas subject to territorial disputes.	Include conflict risks in program assessment and include consideration of distributional equity, cultural sensitivities, or other conflict risk factors in program design.

Appendix 2: Summary of Core Principles and Attributes

*Please note these guiding questions are paraphrased from the CPs, which can be found in full text in Tables 4.1a–4.1c of the Environmental and Social Effects Guidance Note.

Are there established Environmental and Social Management Procedures and processes to (i) avoid, minimize or mitigate against adverse impacts; (ii) promote environmental and social sustainability and (iii) promote informed decision making?

Is there an adequate legal framework and regulatory authority to guide environmental and social impact assessments at the programmatic level? Are recognized elements of environmental and social assessment good practice incorporate? Including: Early screening of potential effects? Consideration of strategic, technical, and site alternatives (including the "no action" alternative)? Explicit assessment of potential induced, cumulative and trans-boundary impacts? Identification of measures to mitigate adverse environmental or social impacts that cannot be otherwise avoided or minimized? Clear articulation of institutional responsibilities and resources to support implementation of plans? Responsiveness and accountability through stakeholder consultation, timely dissemination of program information, and through responsive grievance redress measures?

Environmental Considerations

Are adverse effects from program activities or investments on natural habitats and physical cultural resources avoided, minimized and mitigated?

Early identification and screening of potentially important biodiversity and cultural resource areas? Is significant conversion or destruction of natural habitats avoided? Or mitigation measures or offsets included when avoiding natural habitats is not technically feasible? Supports and promotes the pro-active protection, conservation, maintenance, and rehabilitation of natural habitats, where appropriate? Are potential adverse effects on physical cultural property accounted for and adequate measures to address such effects?

Are there adequate measures to protect community and worker health and safety against potential risks (i.e., construction, hazardous chemicals, etc.)?

Is there adequate community, individual and worker safety through the safe design, construction, operation and maintenance of physical infrastructure? Has good practice been used in the production, management, storage, transport, disposal of hazardous materials?

Are integrated pest management practices used to manage or reduce pests or disease vectors? Have workers been provided training for workers involved in the production, procurement, storage, transport, use and disposal of hazardous chemicals in accordance with international guidelines and conventions? Are adequate measures included to ensure risks are addressed when program activities are located within areas prone to natural hazards?

Social Considerations

Has cultural appropriateness and equitability or access for Indigenous Peoples and Vulnerable Groups been accounted for?

Has free, prior and informed consultations if indigenous peoples are potentially affected (positively or negatively) been conducted, to determine whether there is broad community support for program activities? Have indigenous peoples participated in devising opportunities to benefit from exploitation of customary resources or indigenous knowledge (the latter including the consent of the indigenous peoples)? Has attention been given to groups vulnerable to hardship or disadvantage, including as relevant the poor, the disabled, women and children, the elderly, or marginalized ethnic groups? Have any special measures been taken to promote equitable access to program benefits?

Avoided Creating/Increasing Social Conflict?

Appendix 3: List of Documents Reviewed

S. No.	Document Reviewed
1	World Bank. 2022. *Nepal School Sector Transformation Program (P177647).* Kathmandu, Nepal. (Decision Review version of the Proposed IDA Credit in the Amount of US$100 million and Global Partnership for Education Grant of US$ 20 million to Nepal for School Sector Transformation Program (P177647), World Bank, October 18, 2022).
2	The World Bank's 2020 SAR COVID-19 phone monitoring survey reports
3	Ministry of Education, Science and Technology, 2022. *School Education Sector Plan, 2022–2032*. Kathmandu, Nepal.
4	Ministry of Education, Science & Technology, 2021. *Nepal Education Sector Analysis*. Kathmandu, Nepal.
5	D. Eckstein, V. Kunzel and L. Schafer. 2021. *Global Climate Risk Index 2021*. Germany.
6	Center for Education and Human Resource Development. 2021. *Flash Report 2077 (2020–021)*.Sanothimi, Bhaktapur, Nepal.
7	Department of Education. 2016. Guidelines for Developing Types of Designs for School Building in Nepal. Kathmandu, Nepal.
8	Ministry of Education, Science and Technology, Centre for Education and Human Resource Development, Social Management Framework (SMF), Nepal: School Sector Development Plan
9	Ministry of Education, Science and Technology, Centre for Education and Human Resource Development, Environmental Management Framework (EMF), Nepal: School Sector Development Plan
10	Ministry of Education, Science and Technology, Centre for Education and Human Resource Development. September 2021, Environmental and Social Management Framework (ESMF), Nepal: Covid-19, School Sector Response Project (GPE) Project
11	The World Bank. Nepal: School Sector Development Program. Program-for-Results. January 2017. Environment and Social Systems Assessment (ESSA) Final Report
12	ADB Policy Paper. June 2009. Safeguard Policy Statement. Asian Development Bank
13	Democracy Research Center Nepal. October 2020, The Interrelationship Between Three Levels of Governments in Nepal's Federal Structure
14	Government of Nepal/Ministry of Education. 2016. School Sector Development Plan. Nepal. 2016/17-2022/23
15	Nepal Law Commission. The Constitution of Nepal, 2015.
16	Government of Nepal. Ministry of Education, Science & Technology. National Education Policy, 2019
17	Government of Nepal. Ministry of Education, Science & Technology. Inclusive Education Policy for Persons with Disability, 2017
18	Center for Education and Human Resource Development (CEHRD), Resource Book for School Management (Section Ga: Environmental and Social Management), 2020
19	Government of Nepal, The Office of the Prime Minister and the Council of Ministers, President Educational Reform Program Implementation Guideline, 2019
20	The Act Relating to Compulsory and Free Education, 2018
21	The 15th Plan (FY2019/2020–2023/2024)
22	The Right to Information Act, 2007
23	The Sexual Harassment at Workplace Prevention Act, 2015 (2071)
24	The Caste-based Discrimination and Untouchability Act, 2011
25	The Environment Protection Act, 2019
26	The Environmental Protection Rules, 2020
27	The National Environmental Policy, 2019
28	The Climate Change Policy, 2019
29	Forestry Policy (2015)

S. No.	Document Reviewed
30	Local Government Operations Act, 2017
31	Solid Waste Management Act, 2011
32	Drinking Water Regulation, 1998
33	The National Building Code, (NBC) 105 (2020)

Appendix 4: List of Persons Consulted

S. No.	Name	Organization
1	Ms. Jaya Sharma	World Bank, Kathmandu
2	Ms. Annu Rajbhandary	World Bank, Kathmandu
3	Ms. Smita Gyawali	Asian Development Bank, Kathmandu
4	Mr. Rudi Van Dael	Asian Development Bank, Kathmandu
5	Ms. Maya Sherpa	World Bank, Kathmandu
6	Ms. Kamla Bisht	Royal Norwegian Embassy, Lalitpur
7	Mr. Jaya Prasad Acharya	MoEST
8	Mr. Choodamani Paudel	CEHRD
9	Mr. Arjun Dhakal	CEHRD
10	Mr. Rudra Prasad Adhikari	CEHRD
11	Mr. Dilli Luitel	CEHRD
12	Mr. Ramchandra Timilsina	CEHRD
13	Mr. Ganesh Prasad Paudel	CEHRD
14	Ms. Medinee Prajapati	CEHRD
15	Mr. Yukta Pd. Sharma	EDCU, Dhanusha district
16	Mr. Bhanu Narayan Mandal	Bhanu Secondary School, Dhanusha District
17	Ms. Anju Pandey	Education Section, Janakur Municipality
18	Mr. Mahi Lal Yadev	Education Section, Janakur Municipality
19	Mr. Chudamani Phuyal	Provincial Education Directorate, Madhesh Province
20	Mr. Lalit Kumar Lal Karn	Gogal Prasad Secondary School, Dhanusha district
21	Mr. Anil Karna	Gogal Prasad Secondary School, Dhanusha district
22	Mr. Sanjay Pd. Sahane	Gogal Prasad Secondary School, Dhanusha district
23	Mr. Sanjay Kumar Jha	Shree Yagyavalkya Sanskrit Secondary School, Dhanusha district
24	Mr. Dilip Kumar Thakur	Educational Planning & Research Division, Ministry of Social Development, Madhesh Province
25	Mr. Dhurendra Pd. Sharma	Education Section, Birendra Nagar Municipality, Karnali Province
26	Mr. Prakash Paudel	Birendra Nagar Municipality, Karnali Province
27	Ms. Shanta Khadka	Gangamala Basic Education School, Surkhet district, Karnali Province (KP)
28	Ms. Tek Kumari Shahi	Gangamala Basic Education School, Surkhet district, KP
29	Mr. Kamal Shahi	Gangamala Basic Education School, Surkhet district, KP
30	Mr. Lalit Oli	Gangamala Basic Education School, Surkhet district, KP
31	Mr. Im Pd. Banskota	Gangamala Basic Education School, Surkhet district, KP
32	Mr. Jagat B.C.	Gangamala Basic Education School, Surkhet district, KP
33	Ms. Meena Kafle	Gangamala Basic Education School, Surkhet district, KP
34	Ms. Bhawani Kumari Shahi	Gangamala Basic Education School, Surkhet district, KP
35	Ms. Akhisara Chand	Gangamala Basic Education School, Surkhet district, KP
36	Mr. Narayan Paudel	EDCU, Surkhet district, KP
37	Mr. Subarna Kumar Khadka	Human Resource Development Center, Karnali Province
38	Ms. Deepa Hamal	Provincial Education Directorate, Karnali Province
39	Mr. Yam Bahadur Shrestha	Jana Namuna Secondary School, Surkeht district

S. No.	Name	Organization
40	Mr. Niraj Shrestha	Environment Section, Ministry of Industry, Tourism, Forest & Environment, Karnali Province
41	Mr. Gokarna Dhoj Karki	EDCU, Kavre district
42	Mr. Bhoj Kumar Thakuri	Education Section, Dhulikhel Municipality, Kavre district
43	Mr. Bidur Gautaum	Social Development Section, Dhulikhel Municipality
44	Mr. Govind Prasad Sharma	Parbati Secondary School, Kavre district

Appendix 5: Consultation with CEHRD

The meeting was held with CEHRD on August 15, 2022. The meeting on outcome of ESSA of the Nepal SSTP was held at the Center for Education and Human Resource Development in the presence of Deputy Director General (DDG) Dilliram Luitel of CEHRD with the representative of World Bank Nepal. The List of Persons Consulted is provided below. The PAP was discussed in detail and actions agreed with CEHRD including the roles and responsibilities, resources, and timeline.

Presence:

1. Dilliram Luitel, Deputy Director General, CEHRD
2. Ganesh Paudel, Director, CEHRD
3. Dron Pun, Environment Specialist Consultant, World Bank
4. Ishwor Neupane, Social Development Consultant, World Bank
5. Mohan Mahendra Thapa, Consultant, World Bank
6. Anu Rajbhandari, Senior Environment Specialist, World Bank
7. Jaya Sharma, Senior Social Development Specialist, World Bank
8. Bishnu Prasad Adhikari, Section Officer, CEHRD
9. Padma Sapkota, Section Officer, CEHRD
10. Medinee Prajapati, Environment Specialist, CEHRD

Decision:

- Discussion on gaps, challenges, and proposed action of ESSA document.
- Review and revise the proposed action of ESSA document.
- New revised ESSA document will be shared soon by the World Bank.

Appendix 6: Joint Preparation Mission for support to the SESP: Discussion on Key Assessment and Recommended Actions - JFPs and MoEST (E&S-Related Discussion Points Only)

Date: August 8, 2022

1. Presentation by Mohan Thapa, Consultant, The World Bank
2. Main conclusion of the safeguards assessment; all parties to agree and identify challenges and mitigation measures.

3. Feedback from ADB:

Further updating of the ESMF? Please confirm if framework is updated.
World Bank response: Framework needs to be simplified for LGs in Nepali version that can be understood at the LGs. The framework has already been updated.

Does it need further updating taking into account the federalism context?

World Bank response: Yes, it has been done to a certain extent. But institutional arrangement and management part have to be looked into at the LGs. It has been done but the institutional arrangement and coordination mechanism must be in place. But implementation is an issue.

Ongoing RBL, IPPF; was it reviewed for the preparation of the ESSA?
World Bank response*:* Gaps have been identified and included in the report.

4. **GoN feedback (CEHRD, MoEST):**

- *To what extent do the existing guidelines match the proposed actions suggested; are these new or do we need to update?*
  World Bank response: Safeguards framework has been updated and existing guidelines are adequate. But since this is being done at the LGs (E&S), it needs to be updated for LGs, readily understood, and applied by municipalities. Summarized version would be applicable.

- *GRM focal person is available at the school level, GRM is functional, and there is a lack of focal persons at the LGs.*

World Bank response: There are committees for GRM in the schools we visited. But in LGs and at the provincial level, GRM functioning must be strengthened further. Complaint boxes are for all sectors. Education sector level grievances are registered through written applications and verbal complaints.

- *What needs to be strengthened is at the LGs and provincial levels - GRM functioning*

World Bank response: In model schools, GRM is fine but in non-model schools, it is not functioning. Also, GRM cannot be in conditional grants only but must be mainstreamed everywhere.

- *Why is safeguard implementation in the LGs not effective? Please give inputs on how we can strengthen them with safeguards; how can we initiate and strengthen implementation of E&S at*

LGs? While visiting LGs, did you see HR on E&S? It is hard to have focal persons for this. What do you suggest for implementation of E&S in this scenario?

World Bank response: What we said was not resource person at the LGs only but a pool of experts that could do orientation for the LG staff and school levels also. A resource person on E&S is also available at the LGs who could do this instead of central-level people going to LGs. Have a Training of Trainers (ToT) to create a pool of resource persons at the provincial and LG levels.

- Agreed by everyone: Share the draft ESSA first for GoN and feedback (MoEST and CEHRD).

5. **Discussion on PAP actions to be done soon - agreed by everyone**

Actions that were proposed in the PAP:

- Institutional mechanism
- Capacity and knowledge at the LGs.